



# राजपत्र, हिमाचल प्रदेश

## हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शुक्रवार, 04 अगस्त, 2023 / 13 श्रावण, 1945

हिमाचल प्रदेश सरकार

LABOUR AND EMPLOYMENT DEPARTMENT

NOTIFICATION

*Dharamshala, the 24th May, 2023*

**No. Shram (A) 6-2/2020 (Awards).**—In exercise of the powers vested under Section 17 (1) of the Industrial Disputes Act, 1947, the Governor, Himachal Pradesh is pleased to order the

publication of awards of the following cases announced by the Presiding Officer, Labour Court, Kangra at Dharamshala on the website of the Printing & Stationery Department, Himachal Pradesh i.e. "e-Gazette" :—

Sl. No.	Ref. No.	Petitioner	Respondent	Date of Award/Order
1.	251/15	Dharmender Kumar	D.F.O. Suket	01-04-2023
2.	78/20	Babu Ram	D.F.O. Suket	03-04-2023
3.	79/20	Dumnu Ram	D.F.O. Suket	04-04-2023
4.	844/16	Gian Chand	E.E. HPPWD, Dharampur	05-04-2023
5.	77/17	Savitri Devi	--do--	06-04-2023
6.	22/18	Bimla Devi	--do--	10-04-2023
7.	77/14	Roshan Lal	Employer Bloom College	18-04-2023
8.	49/18	Sansar Chand	M.D. HP State Forest Cop Shimla	20-04-2023
9.	47/19	Hari Nath	S.E. HPSEBL, Dalhousie	27-04-2023
10.	689/16	Ishwari Devi	M/S Ginni Global Ltd. Chamba	28-04-2023

By order,

AKSHAY SOOD,  
Secretary (Lab. & Emp.).

**IN THE COURT OF SH. HANS RAJ, PRESIDING JUDGE, LABOUR COURT-CUM-INDUSTRIAL TRIBUNAL, KANGRA AT DHARAMSHALA (HP)**

Ref. No. : 251/2015

Date of Institution : 10.06.2015

Date of Decision : 01.04.2023

Shri Dharmender Kumar s/o Shri Hari Singh, r/o Village Mathenu, P.O. Rakol, Sunder Nagar, District Mandi, H.P. . .Petitioner.

*Versus*

The Divisional Forest Officer, Suket Forest Division, Sunder Nagar, District Mandi, H.P. . .Respondent.

**Reference under Section 10 (1) of the Industrial Disputes Act, 1947.**

For the Petitioner : Shri Abhishek Lakhanpal, Ld. Adv.

For the Respondent : Shri Anil Sharma, Ld. Dy. D.A.

**AWARD**

The following reference has been received from the appropriate Government for adjudication under section 10 (1) of the Industrial Disputes Act, 1947 (hereinafter referred to as 'the Act' for short):—

“Whether termination of the services of Shri Dharmender Kumar s/o Shri Hari Singh, r/o Village Mathenu, P.O. Rakol, Sunder Nagar, District Mandi, H.P. by the Divisional Forest Officer, Suket Forest Division, Sunder Nagar, District Mandi, H.P. during March, 2013, without complying with the provisions of the Industrial Disputes Act, 1947 is legal and justified? If not, what amount of back wages, seniority, past service benefits and compensation the above worker is entitled to from the above employer?”

2. The case of the petitioner, in brief, is to the effect that he was engaged on daily wage basis by the respondent in the year 2004 and he had worked with sincerity and best to his ability but he was given fictional breaks in such a manner so that he could not complete 240 days in each calendar year and later on his services were terminated in violation of Section 25-F of the Act. Workmen junior to him shown in para no.5 of the claim were retained and thus violation of Section 25-G of the Act took place. Fresh hands were also engaged and violation of Section 25-H also took place. On these averments, the petitioner has prayed for his re-engagement and condonation of fictional breaks given to him in between 2003 to 2013. He has prayed for other associated benefits.

3. The respondent has resisted and contested the claim and submitted that petitioner was never engaged in the year 2004 as claimed by him. He is also said to have not worked in any capacity till March 2013. It is explained that infact in the month of March 2013 petitioner was engaged on bill basis to complete the seasonal forestry work and he has worked for 11 days, 49 days in the year 2014 and for 124 days in the year 2015 on bill basis and his services were neither terminated in the year 2013 nor he was engaged in 2004 as claimed by him. It is also submitted that petitioner is not entitled for any relief as he was not a daily wager nor muster roll was issued in his favour. The respondent has thus prayed for dismissal of the claim.

4. The petitioner has filed rejoinder and re-affirmed the averments made in the petition and denied those made in the reply.

5. On the pleadings of the parties, following issues have been framed on 21.03.2018:—

1. Whether termination of services of the petitioner by the respondent during March, 2013 is illegal and unjustified as alleged? . . .*OPP.*
2. If issue no.1 is proved in affirmative to what relief petitioner is entitled to? . . .*OPP.*
3. Whether the present claim petition/reference is not maintainable in the present form as alleged? . . .*OPR.*
4. Whether the claim petition has become infructuous as alleged. If so, its effect? . . .*OPR.*

Relief.

6. I have heard learned Authorized Counsel for the petitioner as well as learned Deputy District Attorney for the respondent at length and considered the material on record.

7. For the reasons recorded hereinafter, my findings on the aforesaid issues are as under:—

Issue No.1	: No
Issue No.2	: No
Issue No.3	: No
Issue No.4	: No
Relief	: Petition is dismissed per operative portion of award.

### REASONS FOR FINDINGS.

#### *Issues No.1 to 4*

8. All these issues are taken up together for the sake of convenience and to avoid the repetition of evidence.

9. The Industrial Disputes Act is a beneficial piece of legislation and it leans in favour of the labour class. All the presumptions are drawn in favour of the labour class and the onus always lies upon the employer to rebut the presumption. Despite of the fact that it is beneficial piece of legislation, the petitioner has to prove his case at least to prima-facie level so that the court could believe him and ask the employer to explain the things. Though presumptions are in favour of the petitioner but such presumptions are not absolute and some material in support of the plea has to be produced by the petitioner.

10. In the case in hand, the petitioner alleges that he was engaged in the year 2004 and worked till March, 2013 with fictional breaks and his services were terminated in the month of March, 2013. The respondent, on the other hand, has specifically denied the case as incorrect. When such is the position, the petitioner was duty bound to bring some material on the record to prove that he was engaged in the year 2004 and he worked till 2013 March with breaks. Unfortunately, no such material has been brought on the record by him. The self serving statement of the petitioner is thus not sufficient to prove his case. There is no document on the record which would show that petitioner was engaged in the year 2004 and he worked till March 2013. The petitioner has not chosen to examine any of his family member, relative or friend to depose that any of them have seen the petitioner working with the respondent after the year 2004. The petitioner has not named any workman with whom he used to work. The petitioner could have examined any of his colleagues in the witness box to depose about the fact that he had been working since year 2004. The respondent department is a public department and every official act documented. There was no reason for the respondent to have not issued the muster roll in favour of the petitioner in the year 2004. In case payments were made to the petitioner for the work he claims to have done, some record could have been maintained. It was the duty of the petitioner to have summoned any such record. The petitioner could have named his colleagues and the court could have summoned the muster rolls of those particular colleagues so that name of the petitioner could be seen in the same. The self serving statement and bare averments regarding engagement of the petitioner as daily wagger in the year 2004 and his work with break till the year 2013 is not sufficient and petitioner has failed to make out a case to prove his pleadings. The respondent has examined Shri Subhash Chand Prashar as RW1 and he has categorically said that petitioner was never engaged in the year 2004

and he was also not terminated in the year 2013. He was subjected to cross-examination but no such admission which would support the petitioner's case was made by him. This witness has successfully withstood the testimony of cross-examination. Thus for the aforesaid the petitioner has failed to prove that he was engaged in the year 2004 and he worked till March 2013 with breaks.

11. The respondent has not only pleaded but led the evidence to prove the fact the petitioner was infact engaged in March 2013 on bill basis and he had worked only for 11 days in this month. The respondent has further produced documentary evidence to prove that petitioner has worked for 49 days in the year 2014 and 124 days in the year 2015. RW1 Shri Subhash Chand Prashar has tendered on record bills Ext.RW1/B1 to Ext.RW1/B13 pertaining to petitioner and others and the careful perusal of Ext.RW1/B1 to Ext.RW1/B13 shows that petitioner has worked in the month of March 2013 for 11 days and he was paid Rs.1650/- It is also clear from this document that the cost of the execution of the work of DRS masonry in the retaining walls including foundation was assessed for Rs.8483/- and it was executed for sum of Rs.8405/- by as many as four workers including the petitioner. It is also clear that they were paid through bills and no muster roll was issued and no work was done by the petitioner for the whole month. It is clear from Ext.RW1/B2 that in the year 2014 the petitioner has executed the work of carrying poly bags plants with other co-workers and he was paid sum of Rs.1020/- for this work. Three other persons had also worked with him. This work was done again on bill basis and the work was assessed as per the norms and got executed through bills. It is not the case of petitioner that any other workmen shown in these bills was given the status of daily wager and he was either regularized or his services were retained by the respondent. Similar entries are made on other Bills upto Ext.RW1/B13 in which the petitioner has been shown to have participated in the execution of some works, the costs of which were firstly assessed in terms of money and thereafter executed. It is clearly made out from all these documents that the work was firstly assessed in terms of the costs of their execution and these works were got executed on daily wage basis. It is also clear from these document that work was not of permanent in nature but it was a seasonal work either the retaining wall were raised or poly bags carrying the plants were moved from one place to another place or the plants were planted. Such works are purely seasonal work. This work was executed till the year 2015. The petitioner therefore, has failed to make out a case that his services were terminated in March 2013. It is rather proved that he worked w.e.f. March 2013 to 2015 on bill basis and in the year 2013 he has worked for 11 days, 49 days in 2014 and 124 days in the year 2015 and he was paid on the bills and not the daily wages. No muster roll was used nor any other person who has worked on such seasonal works with the petitioner was retained or regularized. In fact a person who works on bill basis is not a daily wager but the work of bill basis specified work. It is firstly assessed in terms of money regarding cost of execution and thereafter fixed amount is paid and this amount is disbursed amongst the workmen as per their contribution. When such is the position, there is neither violation of Section 25-F nor 25-G and 25-H of the Act and the petitioner has failed to make out a case for any relief. The petitioner has although named some workmen in para no.5 of the claim but these workmen were engaged on daily wage basis and much prior to the year 2013 and there is no parity between them and the petitioner. Hence, the petitioner has been not able to take any benefit of the seniority list tendered on record as Ext.RW1/C. The petition is held maintainable as it has been filed in support of the reference received for adjudication. There is no material on the record to hold that the petition has become in-fructuous. Issues no.1 and 2 are held against the petitioner and issues no. 3 and 4 are held against the respondent.

### RELIEF

12. In view of my above discussions, it is held that petitioner has failed to prove that he was engaged in the year 2004 and his services were orally terminated in the year 2013. He is thus not held entitled any relief as claimed by him, hence, the present claim petition fails and is accordingly dismissed. Parties are left to bear their own costs.

13. The reference is answered in aforesaid terms. A copy of this Award be sent to the appropriate Government for publication in the official gazette. File after due completion be consigned to the Record Room.

Announced in the open Court today, this 1st day of April, 2023.

Sd/-  
(HANS RAJ),  
*Presiding Judge,*  
*Labour Court-cum-Industrial Tribunal,*  
*Kangra at Dharamshala, H.P.*

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**IN THE COURT OF SH. HANS RAJ, PRESIDING JUDGE, LABOUR COURT-CUM-INDUSTRIAL TRIBUNAL, KANGRA AT DHARAMSHALA (H.P.)**

Ref No. : 78/2020

Date of Institution : 10.09.2020

Date of Decision : 03.04.2023

Shri Babu Ram s/o Shri Baldev, r/o Village Fafna, P.O. Rakol, Tehsil Nehri, District Mandi,  
H.P. . . . . *Petitioner.*

*Versus*

The Divisional Forest Officer, Suket Forest Division, Sunder Nagar, District Mandi, H.P.  
.. . . . *Respondent.*

**Reference under Section 10 (1) of the Industrial Disputes Act, 1947.**

For the Petitioner : Shri Abhishek Lakhanpal, Ld. Adv.

For the Respondent : Shri Anil Sharma, Ld. Dy. D.A.

**AWARD**

The following reference has been received from the appropriate Government for adjudication under section 10 (1) of the Industrial Disputes Act, 1947 (hereinafter referred to as 'the Act' for short):—

“Whether time to time termination of services of Shri Babu Ram s/o Shri Baldev, r/o Village Fafna, P.O. Rakol, Tehsil Nehri, District Mandi, H.P. during year, 2000 to year 2016 and final termination during year, 2016 by the Divisional Forest Officer, Suket Forest Division, Sunder Nagar, District Mandi, H.P., without complying with the provisions of the Industrial Disputes Act, 1947, is legal and justified? If not, what amount of back wages, seniority, past service benefits and compensation the above worker is entitled to from the above employer?”

2. The case of the petitioner as made out from the claim petition is to the effect that he was engaged as daily wage beldar by the respondent in Suket Division in 2000 and he worked as such till March, 2016 when his service were illegally terminated. The petitioner had though worked with sincerity and devotion yet the workmen junior to him were retained and large number of them were also regularized time to time, whereas, he was given terminal breaks in such a manner so that he could not complete minimum 240 working days in any of the calendar year. The respondent is said to have violated the principle of 'first come last go' by giving him fictional breaks and no such breaks were given to his juniors. On these averments, the petitioner has prayed for his reinstatement and condonation of terminal breaks. He has also prayed that those fictional breaks be considered towards his seniority and continuity in services.

3. The respondent has resisted and contested the claim on the plea that petitioner had worked intermittently in Kangoo Forest Range to carry out seasonal forestry work w.e.f. June 2000. He was neither engaged on daily wage basis nor he had worked regularly. It is pointed out that after the year 2009 all the works are being executed on bill basis or tender basis and daily wage system has been discontinued. The respondent has further explained that other workers referred by the petitioner were working on daily wages and they were retained and regularized in accordance with the policies of the Government, whereas, the petitioner was only a seasonal worker and was called as and when the work was available. He was not very punctual and use to report to the work at his sweet will so there was no question of giving him fictional breaks as alleged by him, and therefore, neither the principles of 'last come first go' were violated nor violation of Section 25-B of the Act took place. It is submitted that the petitioner has no case on merits and it be, therefore, dismissed.

4. The petitioner filed rejoinder in this case and reaffirmed the averments so made by him. The petitioner clarified that the mandays chart supplied to him by the respondent was incorrect and his service condition were unilaterally changed. It is further pointed out that fictional breaks were given to him over his juniors, and he was therefore, entitled for the relief claimed by him.

5. From the pleadings of the parties and language of the reference, following issues were framed for determination on 12.4.2022:—

1. Whether time to time termination of the services of the petitioner from year 2000 to year 2016 by the respondent is/was illegal & unjustified, as alleged? . . . *OPP.*
2. Whether the final termination of the services of the petitioner during year, 2016 by the respondent is/was illegal & unjustified, as alleged? . . . *OPP.*
3. If issue no.1 & 2 are proved in affirmative, what service benefits, the petitioner is entitled to? . . . *OPP.*
4. Whether the claim petition is not maintainable, as alleged? . . . *OPR.*

Relief

6. I have heard learned Counsel for the petitioner as well as learned Deputy District Attorney for the respondent at length and considered the material on record.

7. For the reasons recorded hereinafter, my findings on the aforesaid issues are as under:—

Issue No.1

: Negative

Issue No.2	: Negative
Issue No.3	: Decided accordingly
Issue No.4	: No
Relief	: Petition is <b>dismissed</b> per operative portion of the award.

### REASONS FOR FINDINGS.

#### *Issues No.1 and 2*

8. Both these issues are interlinked and interconnected and can be disposed of by way single finding.

9. The petitioner has alleged that he was engaged in the year 2000 and he worked till 2016. In rejoinder, it is claimed that the mandays chart has been incorrectly prepared. In this background, the petitioner was supposed to lead evidence on the record to point out the number of working days he has worked every year. Once the petitioner has assailed the mandays chart placed on the record by the respondent as Ext.RW1/B, the petitioner was supposed to lead independent evidence to show as to how long he has actually worked with the respondent in between 2000 to 2016 and for how much period he was given fictional breaks by the respondent. The petitioner stepped in the witness box as PW1 and his affidavit is Ext.PW1/A. When this document is carefully examined, it carries self contradictory averments. In para no.2 of the affidavit, the petitioner has categorically submitted that he has worked uninterruptedly till March, 2016 in Kangoo Range after his engagement in the year 2000. When this deposition made on oath is considered it would mean that petitioner had worked in continuity and no breaks were ever given to him. In para no.4 of the affidavit, the petitioner has referred to artificial breaks. It may be stated here that both the things can not exist together. Either there can be uninterrupted work or there are artificial breaks. Both positions being opposite to each other can not exist together. Thus the averments in para no.2 of the affidavit that he had uninterrupted work till the year 2016 are wrong on the face of it. When the petitioner submits that he was subjected to artificial break and disagrees with the entries made in the mandays chart Ext.RW1/B, the petitioner was supposed to lead independent evidence regarding the number of days he had worked every year. No such document has been placed by him on the record. The petitioner has not examined any other witness to prove that the petitioner had worked for 240 days or for slightly less to 240 days and thereafter he was given fictional breaks with a view to deprive him from claiming benefits under the law. No family members, friend, relative or colleagues of the petitioner has appeared in the witness box to prove that the petitioner has worked for large number of days every year but the mandays chart was prepared by showing the number of working days on the lesser side. When no such evidence has been led it can not be said that the petitioner has been able to rebut the entries made in the mandays chart Ext.RW1/B which has been prepared from the official records. The respondent has examined Shri Subhash Chand Prashar as RW1. He was though subjected to cross-examination yet the mandays chart and entries made therein, have not been dealt with or assailed during the cross-examination conducted upon him. Since the petitioner has raised the plea that incorrect mandays chart was prepared, he was duty bound to subject Shri Subhash Chand Prashar (RW1) to searching cross-examination on this aspect so that his testimony could be impeached and the truth could come forth from the mouth of this witness. When the petitioner has failed to assail the entries made in the mandays chart Ext.RW1/B, the mandays chart prepared from the official records can not be disbelieved and the court is bound to rely upon the same.

10. Now returning the question of fictional breaks, it may be stated here that the mandays chart Ext.RW1/B when examined carefully, shows a pattern in which the petitioner has worked. This pattern suggests the engagement of the petitioner for execution of seasonal works. Ext. RW1/B shows that the petitioner has either worked in between January to March or in between June to August throughout. In the year 2000 the petitioner has worked for 27 days in July and 22 days in August. In the year 2001 petitioner has worked for 25 days in June and 19 days in July. In 2002 petitioner has worked for 20 days in February. In the years 2003 and 2004 the petitioner has not worked at all. In the year 2005 the petitioner has worked only for 18 days in March. In the year 2006 the petitioner has not worked even for a single day. In the year 2007, the petitioner has worked for 30 days in July, in 2008 he has not worked at all. In the year 2009 he has worked for 9 days in August. In the years 2010 and 2011 he has not worked even for a single day and in 2012 he has worked for 30 days in August, in 2013 he has again not worked. In the year 2014 he has worked for 10 days in February and 30 days in March. In 2015, he has worked for 26 days in January and 31 days in August. Finally in the year 2016, the petitioner has worked for 5 days in March. Thus the petitioner has worked in a defined pattern. It is clear that in between January to March and June to August seasonal works are done by the forest department. The plantation works takes place in July and August and work of fire watcher is performed in June and July. In January to March maintenance work is done in the forest department. The respondent has come up with the plea that petitioner used to come forth to perform seasonal works. There is a merit in the plea of the respondent that petitioner use to perform the seasonal work and he was not a daily wager. Pattern drawn in the mandays chart clearly shows that the petitioner was working either in between January to March or June to August and that too in intervals. There are many years in between when petitioner has not worked even for a single day. The petitioner has worked only in few years in between these two quarters of months. The mandays shows that the petitioner was not working regularly but he had worked with breaks for years together such breaks can not considered as fictional breaks and the petitioner has moreover not treated these breaks as fictional breaks. He has not assailed this conduct of the respondent department by raising demand earlier in time. The petitioner has all of sudden in the year 2016 realized that fictional breaks were given to him. He has slept over his rights for as long as 16 years and raised the issue after prolonged delay. When the claim petition is carefully examined the petitioner has referred to in para no.3 that juniors to him were named in the seniority lists but his name never came to be mentioned therein. He has further mentioned in para no.4 that he was given time to time breaks and principle of 'first come last go' was violated. The petitioner intends to say that workmen engaged after him were not given fictional breaks. In para no.5 of the petition, he has further highlighted that workmen junior to him were regularized with the passage of time. It means that those who were engaged after him were regularized as per the policy of the State Government. In case a workman was engaged in the year 2001 he must have been regularized in the year 2010, even if, it is presumed for while that the regularization policy required 10 years work. When the petitioner was well aware of the fact that he was not given work of 240 days, whereas, the workmen junior to him were given work of minimum 240 days in a calendar year, why the petitioner has not agitated the matter at earliest. When the petitioner has come to know long back that workmen junior to him were being regularized and he was not being regularized for the fictional and intentional breaks, he should have felt aggrieved long back and raised the issue. Even a layman would agitate such an issue when he finds that those who were engaged after him have been given status of regular employee, whereas, he was given fictional breaks time to time and wrongful loss was being caused to him. The petitioner, should have realized long back that he was being subjected to unfair labour practices with a view to cause wrongful loss to him. The petitioner can not afford to remain idle till the year 2016. It is thus very much clear from the conduct of the petitioner that he was will conversant with the fact and he was engaged for seasonal work in two quarters only subject to availability fund and work. He was engaged either in between January to March or June to August. It is for this reason that the petitioner worked without any objections and did not raise the issue earlier in time. It is for the this reason that petitioner remained silent for years together. In the year 2016 he for the first

time raised issue of fictional breaks and alleged termination. By making such a case he intends to avail the status of a daily wager and consequential benefits after working for little number of days every year. He now intends to equate himself with those workers who had worked on daily wage basis and completed 240 days in each year so as to avail the benefit of regularization policies. The petitioner thus, intends to enrich himself in unjust manner by showing that he was given fictional breaks time to time and subjected to unfair labour practices. The petitioner should have raised the issue at earliest and sleeping over his rights for as long as 16 years will not help him in any manner. Rather it is proved from the material on the record that he was a seasonal worker and he had worked in two quarters only for many years and that too in intervals. The petitioner can not attain the status of daily wager and contend that fictional breaks were given to him.

11. The petitioner has placed on record the demand notice issued in the year 2018 in which he has claimed that he was engaged in the year 2005. He has worked uninterruptedly thereafter. The contents of this demand notice therefore, are against the terms of the reference. The rejoinder was filed by him to the demand notice and has been tendered as Ext.PW1/D. He has tendered the reply to the demand notice as Ext.PW1/C and this document will not any manner help him. The petitioner has placed on record seniority list of workmen Ext.PW1/E and the RW1 Shri Subhash Chand Prashar has been examined by touching the seniority list. Shri Subhash Chand Prashar has admitted that workmen were engaged by the department after June 2000 and they are junior to the petitioner. He has further admitted that workmen shown from serial no.68 to on-wards are junior to the petitioner for the reason that they had been engaged after the year 2000. When the seniority list Ext.PW1/E is examined it is clear that the workmen shown in at serial no.69 was engaged in July, 2000 and all other were engaged after the petitioner. This seniority list pertains till the year 2009. It is thus clear that those workmen who were engaged in the year 2000 were regularized before 2010. Such regularization of junior workmen to the petitioner was indication to the petitioner that he should raise his issue at once but he did not raise any plea till the year 2016. All this happened because of the reasons that petitioner knew it well that he was not a daily wage worker but his services were availed on seasonal basis and he could not claim parity with those who are shown in the seniority list. It is for this reason that the petitioner did not raise the issue at earliest but he raised issue only in the year 2016.

12. Thus for all these reasons it is held that petitioner was not a daily wage worker as claimed by him and no fictional breaks were given to him. He was rather a seasonal worker and he had worked in a defined pattern in between 2000 to 2016 in two quarters only. When the petitioner is held not as a daily wage worker the provisions of Sections 25-F, 25-G and 25-H of the Act are not applicable to him and he is not entitled for any relief. It is held that no time to time breaks were given to the petitioner in between 2000 to 2016 and he was not a daily wager. It is further held that he had performed seasonal work which was entirely different from the work of daily wagers. It is further held that the services of the petitioner were never terminated in 2016 as he has worked only for 6 days in a particular month. Both these issues are held in negative.

#### Issue No. 3

13. In view of the discussions on the issues no.1 and 2, the petitioner is held not entitled to any relief. This issue is held against the petitioner.

#### Issue No.4

14. Since the claim has been filed in support of the reference therefore it is maintainable. It is a different matter that the petitioner has failed stand on the merits of the case, hence this issue is held in favour of the petitioner.

**RELIEF**

15. In view of my above discussions, it is held that petitioner has failed to prove that he was engaged in the year 2000 as daily wager and fictional breaks were given to him in between 2000 to 2016. It is also not established that his services were not terminated in the year 2016 by the respondent. He is thus not held entitled any relief as claimed by him, hence, the present claim petition fails and is accordingly dismissed. Parties are left to bear their own costs.

16. The reference is answered in aforesaid terms. A copy of this Award be sent to the appropriate Government for publication in the official gazette. File after due completion be consigned to the Record Room.

Announced in the open Court today, this 3rd day of April, 2023.

Sd/-  
(HANS RAJ),  
*Presiding Judge,*  
*Labour Court-cum-Industrial Tribunal,*  
*Kangra at Dharamshala, H.P.*

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**IN THE COURT OF SH. HANS RAJ, PRESIDING JUDGE, LABOUR COURT-CUM-INDUSTRIAL TRIBUNAL, KANGRA AT DHARAMSHALA (HP)**

Ref No. : 79/2020

Date of Institution : 10.09.2020

Date of Decision : 04.04.2023

Shri Dumnu Ram s/o Shri Hari Saran, r/o Village Chalaun, P.O. Balag, District Mandi, H.P.  
..Petitioner.

*Versus*

The Divisional Forest Officer, Suket Forest Division, Sunder Nagar, District Mandi, H.P.  
..Respondent.

**Reference under Section 10 (1) of the Industrial Disputes Act, 1947.**

For the Petitioner : Shri Abhishek Lakhanpal, Ld. Adv.

For the Respondent : Shri Anil Sharma, Ld. Dy. D.A.

**AWARD**

The following reference has been received from the appropriate Government for adjudication under section 10 (1) of the Industrial Disputes Act, 1947 (hereinafter referred to as 'the Act' for short):—

“Whether the termination of services of Shri Dumno Ram s/o Shri Hari Saran, r/o Village Chalaun, P.O. Balag, District Mandi, H.P. by the Divisional Forest Officer, Suket Forest Division, Sunder Nagar, District Mandi, H.P. during March, 2017 without complying with the provisions of the Industrial Disputes Act, 1947, as alleged by the workman, is legal and justified? If not, what amount of back wages, past service benefits, seniority and compensation the above worker is entitled to from the above employer?”

2. After receipt of aforesaid reference, a corrigendum reference dated 6th August, 2020 has been received from the appropriate Government for adjudication which reads as under:—

“Whereas, a reference has been made to the Ld. Labour Court-cum-Industrial Tribunal, Kangra at Dharamshala, District Kangra, H.P. vide notification of even No. dated 26-05-2020 for legal adjudication. However, inadvertently the correct facts could not be mentioned about the date of time to time termination and final termination of the claimant in the said notification. Therefore, the date of time to time termination of the claimant and final termination may be read as “time to time termination from service w.e.f. June, 2000 to February, 2017 and final termination w.e.f. March, 2017” instead of “termination w.e.f. March, 2017” as alleged by workman.

3. The case of the petitioner as made out from the claim is to the effect that he was engaged as daily wage beldar by the respondent in Suket Division in 1998 and he worked as such till March, 2017 when his service were illegally terminated. The petitioner had though worked with sincerity and devotion yet the workmen junior to him were retained and large number of them were also regularized from time to time whereas he was given terminal breaks in such a manner so that he could not complete minimum 240 working days in any calendar year. The respondent has said to have violated the principle of ‘first come last go’ by giving him fictional breaks wrongly caused to him. On such averments the petitioner has prayed for his reinstatement and condonation of terminal breaks. He has also prayed that those fictional breaks be considered towards his service and seniority.

4. The respondent has resisted and contested the claim on the plea that petitioner had worked intermittently in Kangoo Forest Range to carry out seasonal forestry work w.e.f. June 2000. He was neither engaged on daily wage basis nor he had worked regularly. It is pointed out that after the year 2009 all the works are being executed on bill basis or tender basis and daily wage system has been discontinued. The respondent explained that other workers referred by the petitioner were worked on daily wages and they were retained and regularized in accordance with the policies of the Government, whereas the petitioner was only a seasonal worker was called as and when work was available. He was not very punctual and used to report to the work at his sweet will so there was no question of giving him fictional breaks as alleged by him and therefore neither the principles of ‘last come first go’ were violated nor violation of Section 25-B of the Act took place. It is submitted that the petitioner has no case on merits and it be therefore dismissed.

5. The petitioner filed rejoinder in this case and reaffirmed the averments so made by him. The petitioner clarified that the mandays chart supplied to him by the respondent was incorrect and his service condition were unilaterally changed. It is further pointed out that fictional breaks were given and juniors were retained and hence the petitioner is entitled for the relief so claimed.

6. From the pleadings of the parties and language of the reference, following issues were framed for determination on 12.4.2022:—

1. Whether time to time termination of the services of the petitioner by the respondent from June, 2000 to Feb., 2017 and final termination of the services of the petitioner w.e.f. March, 2017 is/was illegal and unjustified, as alleged? . . .OPP.

2. If issue no.1 is proved in affirmative, what service benefits, the petitioner is entitled to?  
..OPP.

3. Whether the claim petition is not maintainable, as alleged? ..OPR.

Relief.

7. I have heard learned Counsel for the petitioner as well as learned Deputy District Attorney for the respondent at length and considered the material on record.

8. For the reasons recorded hereinafter, my findings on the aforesaid issues are as under:—

Issue No.1 : Negative

Issue No.2 : Negative

Issue No.3 : Decided accordingly

Relief : Petition is dismissed per operative portion of the award

### REASONS FOR FINDINGS.

#### Issues No.1 to 3

9. All these issues are interlinked and interconnected and can be disposed of by single finding.

10. The petitioner has not assailed the correctness of mandays chart. He has himself tender the same as Mark-A. This mandays chart was later on tendered on the record as Ext.RW1/B by Shri Subhash Chand Prashar (RW1). This mandays chart is therefore is an important document to examine the respective pleas of the parties. It is clear from this mandays chart that the petitioner has worked for 24 days in June and 17 days in July 2000. He thus worked for 44 days in all. The petitioner did not work even for a single day in the year 2001 to 2004. In February, 2005 the petitioner worked only for 28 days. In the years 2006 and 2007 he did not work for even a single day. In January, 2008 petitioner worked only for 28 days. In the year 2009, 2010 and 2011 he again did not work for even a single day. In the year 2012 petitioner worked for 27 days in August only and in 2013 he worked for 28 days in January and 30 days in March. In the year 2014 petitioner is shown to have worked for 165 days, in the year 2015 he worked for 198 days and in 2016 for 248 days. In the year 2017 he has worked for 22 days. It is therefore very much clear from this document that the petitioner has worked in defined pattern with the respondent. He has either worked in the month of January to March or during the months of June to August till the year 2014 and that too with fictional breaks running into years. For instance the petitioner has not worked for even a single day in between 2001 to 2004, 2006 and 2007 and 2009 to 2011. The respondent has come up with the plea that the petitioner worked as a seasonal worker and he was not on daily wage. This muster roll Ext.PW1/B shows the pattern of seasonal working in between 2000 to 2014 as the work has either been executed in between January to March or June to August. The petitioner has relied upon the seniority list Ext.PW1/C it is also an important document for the adjudication of this case. This seniority list pertains to the year 2014 and it is clear from the perusal of the same

that 113 workers have been shown in the same. Last is Shri Amar Singh who was engaged in the year 2009 this seniority list shows the last engagement took place in the year 2009 and none was engaged thereafter. It is also clear that from the workers shown at serial no.70 Shri Rajinder Kumar and all other engaged after August 2000 i.e. after the petitioner. All these workers are thus junior to the petitioner. Shri Subhash Chand Prashar (RW1) was also subjected to cross-examination upon his affidavit Ext.RW1/A he has also admitted that workmen shown after serial no.68 are junior to the petitioner and most of the workers have been regularized with the passage of time. He has admitted that Shri Baldev s/o Shri Panna Lal was also junior to the petitioner and he has also been regularized. Shri Baldev has been shown at serial no.109 having been engaged in the year 2007. It is thus clear that before 2007 also several workers junior to the petitioner have been regularized and the turn of Shri Baldev came in routine. In case the petitioner was a daily wager and he was given terminal breaks for years together by the respondent and his juniors were given work of minimum 240 days so that their case could be considered for regularization with the passage of time. The petitioner should have raised voice against such injustice well in time. The petitioner claimed that he was engaged in the year 2000 and he has raised his voice for the first time in the year 2017 against these terminal breaks. The conduct of the petitioner proves that he never considered himself as a daily wager nor he was engaged in the capacity of daily wager. Such conduct further fortifies the plea of the respondent that the petitioner has worked as seasonal worker for few days and he was no parity between him and the daily wagers who worked in continuity and regularized with the passage of time. Had the petitioner been a daily wager, he would not sit idle when he was given breaks years together whereas his juniors were given work in continuity as is clear from Ext.RW1/B. The petitioner remained idle for several years in between. In case his juniors were given work and he was thrown out, he would raise demand then and there and not sit idle till the year 2017. The conduct of the petitioner is therefore very much clear and it supports the case of the respondent to the effect that petitioner was not a daily wager but he used to work in seasonal and perform the seasonal work which would not a regular work and the criteria for engaging seasonal workers was entirely different from that of the daily wagers. Last seniority list pertains to the year 2014 which has been placed on the record and as per this seniority list last worker engaged was in the year 2009 on daily wage basis. This seniority list supports the plea of the respondent that after the year 2009 the system of engaging workman on daily wage basis was discontinued and the works were got executed either on bill basis or tender basis the respondent has placed on record this notification Ext.RW1/C. There is another circular to the same effect as Ext.RW1/D. In the aforesaid background when the petitioner has himself relied upon the seniority list Ext.PW1/E, it was his duty to prove on the record that workers were engaged on daily wage basis by the department even after the year 2009. No such evidence has been led by him. The petitioner has been shown to have worked in the year 2014, 2015 and 2016 for more days and it appears that this was not seasonal work as the petitioner has worked almost in all the months of the year. Since muster roll basis daily wager work was discontinued after the year 2009 there was no reason to give the petitioner work as daily wager. The only work that could have been given to the petitioner was based upon bill basis. Even otherwise if it is presumed for a while that the petitioner was engaged on muster roll in the years 2014 to 2017 even then his termination in the year 2017 shows that he has not worked for minimum 240 days in the preceding 12 calendar months beginning from the month of February 2017 in the reverse order. The petitioner is proved to have worked only for around 210 days and therefore even if the case of the petitioner admitted as it is even then he is proved to have not worked for minimum 240 days before his alleged termination in March, 2017 and therefore there was no requirement of compliance of Section 25-F of the Act. The petitioner has not led any evidence on the record to show that any other workman was engaged on daily wage basis after the year 2014 to 2017 thus workmen were retained and the petitioner was thrown out. As aforesaid the respondent department has come up with the plea that the work on muster roll and daily wage basis has been discontinued after the decision was taken by the Himachal Pradesh Government and it was implemented. The petitioner was also cross-examination regarding this notification of 2009 and he pleaded his ignorance that he denied that he has worked with the department on bill basis.

The respondent has not placed on record the bills through which the petitioner has worked in the years 2014 to 2017 therefore presumption goes against the respondent still the petitioner is not able to prove that he had worked for minimum 240 days before his alleged termination. He has also failed to prove that any person engaged after him in the years 2014 to 2017 and was retained. He has also not brought any material on the record to show that fresh hand was engaged after his termination thus the petitioner has failed to prove that there has been violation of the mandatory provisions of the Act. Thus from the bare perusal of the muster roll it is clear that upto the year 2013 the petitioner has worked as a seasonal worker and after 2014 to 2017 though the respondent has taken the plea that the petitioner has worked on bill basis but those bills have not been produced on the record by the respondent therefore even if it is presumed that the petitioner has worked on daily wage from the year 2014 to 2017 he has failed to prove the violation of the provisions of Sections 25-Ga and 25-H of the Act for the reason discussed hereinabove and the petitioner therefore is not entitled for any relief.

11. The petitioner has tendered on record some formal documents which consist of demand notice Ext.PW1/B, reply to the demand notice Ext.PW1/C and rejoinder to the same Ext.PW1/D these documents are not very material for the purpose of this case and the petitioner has though placed on record a photocopy of alleged mandays chart Mark-A but this document does not ensure its authenticity and it is even clear that who has issued this document and in whose favour this document was issued, Mark-A is liable to be ignored completely. Ext.PW1/G is document regarding regularization of the daily wager and it does not help the petitioner rather it points out that the petitioner has not raised voice at earliest despite of the fact that he knew that his temporary work realized long back that he was given fictional breaks. This document rather not exist the fact of the petitioner to avail the benefits of beneficial legislation for the reason that the petitioner was a daily wage worker whereas it is proved that the petitioner has worked seasonal work in between 2000 to 2013. The claim petition is held maintainable for the simple reason that it has been filed in support of the reference and corrigendum reference, therefore it is maintainable. It is a different matter that the petitioner has failed stand on the merits of the case, hence issues no. 1 and 2 are held in negative as well as issued no. 3 is held in favour of the petitioner.

### RELIEF

12. In view of my above discussions, it is held that petitioner has failed to prove that he was engaged as daily wager and fictional breaks were given to him in between 2000 to 2017 and that too he was not terminated in the year 2017 by the respondent. He is thus not held entitled any relief as claimed by him, hence, the present claim petition fails and is accordingly dismissed. Parties are left to bear their own costs.

13. The reference is answered in aforesaid terms. A copy of this Award be sent to the appropriate Government for publication in the official gazette. File after due completion be consigned to the Record Room.

Announced in the open Court today, this 4th day of April, 2023.

Sd/-  
(HANS RAJ),  
*Presiding Judge,*  
*Labour Court-cum-Industrial Tribunal,*  
*Kangra at Dharamshala, H.P.*

**IN THE COURT OF SH. HANS RAJ, PRESIDING JUDGE, LABOUR COURT-CUM-INDUSTRIAL TRIBUNAL, KANGRA AT DHARAMSHALA (HP)**

Ref No. : 844/2016

Date of Institution : 26.11.2016

Date of Decision : 05.04.2023

Shri Gian Chand s/o Shri Inder Singh, r/o Village and Post Office Galu Chanatha (Brang),  
Tehsil Sarkaghat, District Mandi, H.P. . . . *Petitioner.*

*Versus*

The Executive Engineer, HPPWD Division Dharampur, District Mandi, H.P. . . . *Respondent.*

**Reference under Section 10 (1) of the Industrial Disputes Act, 1947.**

For the Petitioner : Shri Abhishek Lakhanpal, Ld. Adv.

For the Respondent : Shri Anil Sharma, Ld. Dy. D.A.

**AWARD**

The following reference has been received from the appropriate Government for adjudication under section 10 (1) of the Industrial Disputes Act, 1947 (hereinafter referred to as 'the Act' for short):—

“Whether termination of the services of Shri Gian Chand s/o Shri Inder Singh, r/o Village and Post Office Galu Chanatha (Brang), Tehsil Sarkaghat, District Mandi, H.P. by the Executive Engineer, H.P.P.W.D. Division, Dharampur, District Mandi, H.P. w.e.f. 08.07.2005 allegedly without complying with the provisions of the Industrial Disputes Act, 1947 is legal and justified? If not, what amount of back wages, seniority, past service benefits and amount of compensation the above aggrieved worker is entitled to from the above employer?”

2. The case of the petitioner as made out from the reference is that he was engaged as a daily wage beldar on muster roll basis w.e.f. 1.1.1999 in the respondent Division and he worked till 7.7.2005 uninterruptedly and in continuity and worked for more than 240 days in each calendar year. His services were terminated without complying with the provisions of Section 25-F of the Act and violation of Section 25-G of the Act also took place as workmen junior to him namely Shri Shashi Kant s/o Sh. Bihari Lal, was engaged on 6.4.1999, Smt. Roshani Devi w/o Shri Nag Ram was engaged on 4.7.1999, Smt. Mamta Devi w/o Shri Hans Raj was engaged on 6.4.2000, Shri Inder Singh s/o Sh. Narayan Singh was engaged on 1.1.2000 were retained and thus violation of Section 25-G of the Act took place. Fresh hands were also engaged in the year 2003, 2004, 2007 and 2011. Thus violation of Section 25-H also took place. The respondent is said to have retrenched more 2000 workers in between 2001 to 2005 and later on most of them have been re-engaged and petitioner was not provided any re-employment. The petitioner has quoted the examples of some other workmen who were re-engaged by the orders of the courts. In nutshell, the case of the petitioner is to the effect that his services were terminated without following the principles of the Industrial Disputes Act and therefore, he was entitled for his reinstatement with all consequential benefits including the seniority and back wages.

3. The respondent has resisted and contested the petition and taken up the plea that the services of the petitioner were terminated under Section 25-N of the Industrial Disputes Act. One month notice was served upon him and three months notice pay was paid and there was no violation of any provisions of the Act. So far as his (petitioner's) juniors are concerned, it is clarified that some workers were transferred to Dharampur Division and since their seniority list was not available hence, they were retained. Later on when seniority list was made available they were also terminated. Retrenchment notice was also served upon them and principle of 'first come last go' was not violated. No fresh hands are said to have been engaged and it is submitted that case of the petitioner is different from those referred to by the petitioner. It is submitted that the petitioner was not entitled for any relief. He is said to have raised the demand almost after five years and has not approached for his reinstatement earlier in time. It is submitted that his petition be dismissed.

4. The petitioner filed rejoinder in this case and reaffirmed the averments so made by him. It is highlighted that principle of 'first come last go' was violated and fresh hands were also re-engaged.

5. From the pleadings of the parties and language of the reference, following issues were framed for determination on 18.9.2018:—

1. Whether termination of the services of petitioner by the respondents w.e.f. 08-07-2005 is/was legal and justified as alleged? . . . *OPP*.
2. If issue no.1 is proved in affirmative, to what service benefits, the petitioner is entitled to? . . . *OPP*.
3. Whether the claim petition is not maintainable in the present form, as alleged? . . . *OPR*.
4. Whether the claim petition suffers from delay and laches as alleged? . . . *OPR*.

Relief.

6. I have heard learned Counsel for the petitioner as well as learned Deputy District Attorney for the respondent at length and considered the material on record.

7. For the reasons recorded hereinafter, my findings on the aforesaid issues are as under:—

Issue No.1 : Affirmative

Issue No.2 : Affirmative

Issue No.3 : Negative

Issue No.4 : Negative

Relief : Petition is **partly allowed** per operative portion of the award.

**REASONS FOR FINDINGS.***Issues No.1,3 and 4*

8. All these issues are interlinked and interconnected and can be disposed of by single finding.

9. The petitioner has alleged violation of Sections 25-F and 25-G of the Act, whereas, the respondent has denied the allegations in totality. It is submitted that since the services of the petitioner were terminated under Section 25-N of the Act therefore, Section 25-F was not applicable, and secondly, no junior was retained hence, no violation is proved. The petitioner has himself tendered on record termination notice served upon him Ext.PW1/B. He has tendered on record mandays chart Ext. PW1/E. The petitioner has appeared as PW1 in the witness box and he sworn his affidavit Ext.PW1/A which is as detailed as the claim petition itself. The petitioner was subjected to cross-examination and his testimony is material for just decision of this case. He has admitted that the notice was served upon him by the department on 8.7.2005. He has further admitted that he was paid the retrenchment compensation. He has equally admitted that notice Ext.PW1/B was served upon him and he was thereafter paid salary for three months. It is thus very much clear that violation of Section 25-F did not take place at all as the services of the petitioner were never terminated without following the provisions contained in Section 25-F of the Act. Not only notice was served upon him but three months salary was also paid as admitted by him. Thus retrenchment compensation was paid to him which he accepted accordingly. The respondent has come up with the plea that the services of the petitioner were terminated under Section 25-N of the Act which deals with mass retrenchment of the surplus labour. To be simple, the petitioner has failed to make out a case that his wrongful retrenchment without complying with the provisions of Section 25-F of the Act. The petitioner is not entitled for any relief on this ground.

10. The petitioner has further alleged that the provision of section 25 N was not applied as per the law. According to him, the workmen junior to him were retained whereas, his services were terminated and thus violation of provisions contained in Section 25-G of the act took place, and section 25 N was not applied properly. The petitioner has made elaborate pleadings regarding this fact in para no.5 of the claim and in the rejoinder as well. He has named those workmen who were junior to him. The respondent, on the other hand, has tried to make out a case that the workmen junior to the petitioner could not be retrenched for the reason that they were transferred to Dharampur Division and later on when their seniority list was received the retrenchment notices were also served upon them. It is not clarified that the services of these juniors were also retrenched in due course. The petitioner has thus highlighted the fact on the date of his retrenchment, juniors were retained. The respondent has failed to make out a case that these juniors were retrenched later in time. Even if it is presumed for a while that the juniors to the petitioner shown in para no.4 of the petition were retrenched later in time even then respondent can not escape the liability and the responsibility. The violation of Section 25-G is made out in the present case for the reasons that on the date when services of the petitioner were terminated, the workmen junior to him were retained. It is immaterial as to whether their seniority status was known to the respondent at the time when the services of the petitioner were retrenched or not. Even if, the respondent has realized the mistake later in time and on realization of the fact that the juniors were retained, those juniors were also retrenched, the defect that had crept initially could not have been rectified later in time. The violation of Section 25-G of the Act is attracted the moment when juniors are retained and senior workmen are retrenched. It is immaterial as to what had happened to the junior workmen thereafter. Even if the retrenchment of the petitioner has taken place under Section 25-N of the Act even then the provisions contained in Section 25-G can not be ignored. When mass termination takes place on account of retrenchment of surplus labour, the principle of 'first come last go' need to be followed by all means and there can not be any deviation from the same. In case deviation take place then

retrenchment becomes illegal and the aggrieved workman is entitled for the relief claimed by him. In the case in hand, the respondent has examined Engineer Shri Anil Sharma as RW1. His affidavit is Ext.RW1/A. He has submitted in para no.4 of his affidavit that other workmen had worked in continuity and they were regularized with the passage of time. It also shows that there was violation of Section 25-G of the Act as workmen junior to the petitioner were retained and regularized in the due course, whereas, petitioner was thrown out of the work by taking shelter of Section 25-N of the Act. The principle of 'first come last go' was thus thoroughly violated. When this Shri Anil Sharma (RW1) was subjected to cross-examined he has admitted that workmen junior to the petitioner were re-engaged after the award was passed by Labour Court and the same was affirmed by the Hon'ble High Court. It shows that when the services of the petitioner were terminated along with several other person, rest of the workers have been re-engaged after the relief was granted to them by this court and affirmed by the Hon'ble High Court. The case of the petitioner also needs to be dealt with in parity to his juniors. It can not be considered in different prospective when there is clear cut violation of Section 25-G of the Act in this case.

11. Learned Deputy District Attorney for the respondent has argued that there is a delay in raising the demand and petitioner is not entitled for the relief of reinstatement. It may be stated here that the services of the petitioner were terminated in the year 2005 and the demand was raised by him vide demand Ext.PW1/C dated 16th June, 2009. Thus the delay of around four years which can not be said to be very unreasonable and the relief can not be denied to the petitioner on this ground. Moreover, the issue of delay on the part of the petitioner has not been referred to this court by the appropriate Government for decision, and therefore, this court can not examine the same. A similar question has arisen before the Hon'ble High Court of Himachal Pradesh in case titled as **State of H.P & Anr. Vs. Mahinder Singh reported in 2017 LLR 1256**. The State Government of H.P had assailed the Award of the Labour court by way of writ petition on the plea that the Labour Court should have dismissed the claim petition on the ground of delay and laches as the workman had raised the dispute after a considerable time. Relying upon **Mukand Ltd. v. Mukand Staff & Officers association reported in 2004(101) FLR 219 (SC)**, it was held that the Tribunal being the creature of the Reference, can not adjudicate the matters not within the purview of the dispute actually referred to it by the order of Reference. It was further held that since the question of delay and laches was not referred to the Tribunal, therefore, the Tribunal could not have answered the Reference against the workman on the ground of delay and laches, and has thus rightly granted the relief.

12. Thus it can not be said that the case of the petitioner suffers from the delay and laches. The petition is maintainable. Issue no.1 is held in affirmative and issues no. 3 and 4 are decided in negative.

#### *Issue No.2*

13. Once it is proved that the respondent has violated the provisions contained in Section 25-G of the Act, the petitioner is held entitled for the relief of reinstatement when the issue of delay and laches has not been referred to this court for adjudication and moreover delay of four years as the layman worker can not be said to be on very higher side so as to deny the relief as claimed by him. Moreover, it is an admitted fact that other similar situated junior workers were also re-engaged by the orders of the courts. The petitioner is also held entitled for the same treatment and he is held entitled to the relief of reinstatement. So far continuity and seniority is concerned, petitioner is held entitled for seniority and continuity for this reason that his services were illegally terminated there was no fault on his part. So far back wages are concerned, the petitioner has stated that he has worked in MNREGA etc. Thus he has not remained unemployed during the period of his retrenchment. Taking into account this fact, a lump sum amount of Rs. 50,000/- is awarded vide his back wages as is token money which would also be paid by the respondent to the petitioner. Hence, this issue is decided accordingly.

**RELIEF**

14. In view of my above discussions, the claim petition succeeds in part and is partly allowed. The respondent is directed to reinstate the services of the petitioner forthwith. The petitioner is entitled for seniority and continuity in service from the date of his termination. However, the petitioner is also held entitled for Rs. 50,000/- (Rupees Fifty Thousand Only) as token money as back wages, which would be paid within four months by the respondent and from the date of receipt of Award failing which the respondent shall be liable to pay the interest @ 6% per annum on the said amount from the date of award till the date of its realization. Parties are left to bear their costs.

15. The reference is answered in aforesaid terms. A copy of this Award be sent to the appropriate Government for publication in the official gazette. File after due completion be consigned to the Record Room.

Announced in the open Court today, this 5th day of April, 2023.

Sd/-  
(HANS RAJ),  
*Presiding Judge,*  
*Labour Court-cum-Industrial Tribunal,*  
*Kangra at Dharamshala, H.P.*

**IN THE COURT OF SH. HANS RAJ, PRESIDING JUDGE, LABOUR COURT-CUM-  
INDUSTRIAL TRIBUNAL, KANGRA AT DHARAMSHALA (HP)**

Ref. No. : 77/2017  
Date of Institution : 28.3.2017  
Date of Decision : 06.04.2023

Smt. Savitri Devi w/o Shri Kashmir Singh, r/o Village Druman, P.O. Geun, Tehsil  
Sarkaghat, District Mandi, H.P. . .Petitioner.

*Versus*

The Executive Engineer, H.P.P.W.D. Division Dharampur, District Mandi, H.P.  
. .Respondent.

**Reference under Section 10 (1) of the Industrial Disputes Act, 1947**

For the petitioner : Sh. S.K. Sharma, Ld. Adv.  
For the respondent : Sh. Anil Sharma, Ld. Dy. D.A.

**AWARD**

The following reference has been received from the appropriate Government for adjudication under section 10 (1) of the Industrial Disputes Act, 1947 (hereinafter referred to as 'the Act' for short):—

“Whether the alleged termination of services of Smt. Savitri Devi w/o Shri Kashmir Singh, r/o Village Druman, P.O. Geun, Tehsil Sarkaghat, District Mandi, H.P. during year, 2004 by the Executive Engineer, H.P.P.W.D., Division Dharampur, District Mandi, H.P. who had worked on daily wages as beldar and has raised her industrial dispute after about 9 years vide demand notice dated 18-12-2013, without complying the provisions of the Industrial Disputes Act, 1947, is legal and justified? If not, keeping in view delay of about 9 years in raising the industrial dispute, what amount of back wages, seniority, past service benefits and compensation the above ex-worker is entitled to from the above Employer/management?”

2. The case of the petitioner, in brief, is to the effect that she was engaged as daily rated beldar by the respondent *w.e.f.* 1.12.1998 and she worked as such till 30.09.1999. She was, however, subjected to fictional breaks as a measure of unfair labour practices. The workmen junior to her were retained and fresh hands were also engaged after her termination. A long list of names of such workmen has been pleaded in para no.3. As per the petitioner, the respondent retrenched workmen in bulk till the year 2005 on the basis of some illegal notification conferring powers of specified authority of Chief Engineer Mandi. Once the notification was set aside by the Hon'ble High Court of Himachal Pradesh several retrenched workmen approached the courts and their reinstatement was ordered by the court and the petitioner again requested the respondent through its officers to re-engage her but nothing was done in her case. Sufficient work was always available with the respondent and retrenchment was thus as a measure of unfair labour practices and the petitioner served a demand notice in which conciliation proceedings took place, but the appropriate Government did not forward the reference on the plea that the claim has become stale. The petitioner approached the Hon'ble High Court of H.P. by way of writ petition and in this manner a reference has been made to this court. In nutshell, the case of the petitioner has been to the effect that her retrenchment was against the provisions contained in Sections 25-F, 25-G and 25-H of the Act and therefore, she was entitled for her reinstatement along with all the benefits. So far delay in approaching the authorities was concerned, the petitioner has submitted that such delay has been liberally condoned by the courts even in the past, and therefore there was no hurdle in the claim of the petitioner.

3. The respondent has resisted and contested the claim on the plea that the petitioner has worked in between December 1998 to September 1999 on muster roll basis as daily wage in intervals and thereafter she left the job at her own for no fault of the respondent. Further the case of the respondent is to the effect that the workmen junior to the petitioner were retained as they were regular in their work and later on their cases fell in the ambit of the regularization policy hence, they were regularized and petitioner herself left the job and therefore, there was no question of accommodating her. The respondent, while denying other allegations, has prayed for dismissal of the claim on the ground that it was stale and the petitioner was herself negligent and she had left the work at her own. It is submitted that petition be dismissed.

4. The petitioner has filed rejoinder and reaffirmed the averments so made in the petition and denied those made in the reply. No new fact which could be highlighted by her has been pleaded.

5. From the pleadings of the parties and language of the reference, following issues were framed for determination on 09.04.2019:—

1. Whether termination of the services of petitioner by the respondent during year, 2004 is/was illegal and unjustified as alleged? . .*OPP*.
2. If issue no.1 is proved in affirmative, to what service benefits the petitioner is entitled to? . .*OPP*.
3. Whether the claim petition is not maintainable in the present form, as alleged? . .*OPR*.
4. Whether the claim petition suffers from the vice of delay and laches, as alleged? . .*OPR*.

Relief.

6. I have heard learned Counsel for the petitioner as well as learned Assistant District Attorney for the respondent at length and considered the material on record.

7. For the reasons recorded hereinafter, the findings of this Court on the above issues are as under:—

Issue No.1	: Decided accordingly
Issue No.2	: Decided accordingly
Issue No.3	: Yes
Issue No.4	: Decided accordingly
Relief	: Petition is <b>dismissed</b> per operative portion of the award.

### REASONS FOR FINDINGS

*Issues No.1, 2 & 3*

8. All these issues being interconnected and interlinked are taken up together for disposal.

9. It is settled law by now that Labour Court-cum-Industrial Tribunal is a creature statute and this court has no original jurisdiction to enter into the merits of any controversy and dispose the same of. This court has to limit itself to the terms of the reference received from the appropriate Government.

10. In the case in hand, the reference when examined carefully shows that the appropriate Government has sought adjudication on the point as to whether termination of the services of the petitioner during year 2004 was legal and justified? In order to answer this reference the first and foremost requirement was that the petitioner should plead to prove the fact that she had worked with the respondent department in the year 2004, as question of termination of her services arises only after it is established that she was working as daily wager in the year 2004 with the respondent.

11. After the reference is received from the appropriate Government by the Labour Court, the parties to the same are given complete opportunity to file their pleadings in support and against

such reference so that the court can frame appropriate issues arising out of the same and thereafter decide the same so that reference is answered completely. In the case in hand, the petitioner who had raised the demand by way of demand notice and participated in the conciliation proceedings was well aware of the terms of the reference so made by the appropriate Government to this court. Copy of the reference was also sent to the petitioner by the appropriate Government as is clear from the foot notes appended to this reference. Once the petitioner is apprised of the terms and conditions of the reference only then the claim can be filed in the court. In this case, the petitioner fully knew about the contents of reference and despite of this she filed the claim alleging therein that she has worked w.e.f. 1.12.1998 to 30.9.1999 with the respondent and her services were illegally terminated on 1.10.1999. The claim was not filed by the petitioner in consonance with the language of the reference. The petitioner has not claimed in the claim that she has worked with the respondent in the year 2004. There is a difference of as many as five years in between 1999 to 2004 which can not be taken lightly. The petitioner at no point of time has prayed for amendment of the claim on the plea that due to inadvertent mistake or otherwise wrong date of termination was given in the claim. When the respondent has filed reply to the claim, the contents of the claim petition were admitted to the effect that petitioner has worked upto September 1999 with the respondent. The only case of the respondent is to the effect that she has left the job at her sweet will and her services were never terminated. In the wake of these clear cut pleadings, issues were settled and thereafter the parties led evidence. Prior to this, rejoinder was filed by the petitioner wherein she again did not plead that she had worked with the respondent till the year 2004. Thus the petitioner herself knew that she has not worked with the respondent till the year 2004 and she has worked only upto 30.9.1999. The petitioner in her sworn affidavit ( Ext.PW1/A) in support of the claim has also disclosed date of her illegal retrenchment as 30.9.1999. The respondent led evidence in the same line with the only explanation that the petitioner had left job of her own. Affidavit of Shri Anil Kumar Sharma is Ext.RW1/A. The petitioner while leading evidence has herself tendered on record information obtained under RTI dated 13.11.2013, where she has been shown to have worked for 241 days upto 9/1999. This document is also is very much clear to show that the petitioner has worked till September 1999 and not thereafter. The petitioner has not agitated the correctness of this mandays chart. The respondent has also led evidence and tendered on record another mandays chart showing that the petitioner has worked for 233 days. This document is Ext. RW1/B. There is a variation in both the mandays charts but, it is not clear that as to whether the information given under RTI is correct or the information supplied through Ext.RW1/B is correct showing the number of working days 233. In nutshell, the court has to adjudicate the case of the parties in accordance with the language and the terms of the reference and not independent to the same. It is not clear as to how the reference came to mention year of termination of the petitioner as 2004 and not 1999. It was for the petitioner to have assailed this reference by way of writ petition before the Hon'ble High Court and got it corrected to the effect that her year of termination was September 1999. No such attempt was made by the petitioner and this reference attained finality and the court can not travel beyond the terms of the same and court has to answer the reference in the manner it has been received by this court.

12. When the petitioner has herself neither pleaded nor led any evidence to prove that her services were terminated in the year 2004, it can not be said that she has worked in the year 2004 also with the respondent and her services were illegally terminated in the year 2004 without following the procedure of law. Rather the pleadings and evidence led by the parties prove that the petitioner has worked till the year 1999 and not thereafter. Meaning thereby, the petitioner was not doing any job with the respondent in the year 2004. When she was not doing any job in the year 2004 there can not be any termination and it can not be adjudicated by the court as to whether the procedure was complied with or not. Thus pleadings and evidence are beyond the scope of the reference and the petitioner has failed to prove her case in accordance with the reference, and it is therefore, not established that the services of the petitioner were terminated in the year 2004. Thus there is no merits in the case. It is held that petitioner has failed to prove that her services were

terminated in the year 2004 by the respondent without following the procedure. It is not established that compliance of Section 25-F was not made in the year 2004 and juniors to the petitioner were retained. There is huge gap of as many as five years between the period mentioned in the reference and the pleadings. This period of five years can not be approached by this court even by holding that the petitioner is a layman and she must have committed an error while laying her claim before the court. The petitioner has not only in the claim petition but in the rejoinder, evidence etc. been firm on the plea that she was terminated in September 1999. The case of the petitioner is a specific that she was illegally terminated in the year 1999. Even the mandays chart filed by the petitioner also suggests that she was thrown out of the work in September 1999. Once reference received by this court show that petitioner was disengaged in the year 2004, the court can not connect the year 1999 with the year 2004. It is not established that services of the petitioner were terminated in the year 2004 by the respondent. When such is the position, the petitioner is not entitled any relief and her claim is not maintainable as it is not consonance with the reference. Issues no.1 to 3 are decided accordingly.

*issue No.4*

13. So far as plea of delay and laches is concerned, it does not arise in this case as the main relief as claimed by the petitioner has been declined for the reasons mentioned hereinabove no separate findings are required on the issue of delay and laches hence this issue is decided accordingly.

#### **RELIEF**

14. In view of my above discussions, the present claim petition fails and is accordingly dismissed. Parties are left to bear their own costs.

15. The reference is answered in aforesaid terms. A copy of this Award be sent to the appropriate Government for publication in the official gazette. File after due completion be consigned to the Record Room.

Announced in the open Court today, this 6th day of April, 2023.

Sd/-  
(HANS RAJ),  
*Presiding Judge,*  
*Labour Court-cum-Industrial Tribunal,*  
*Kangra at Dharamshala, H.P.*

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**IN THE COURT OF SH. HANS RAJ, PRESIDING JUDGE, LABOUR COURT-CUM-  
INDUSTRIAL TRIBUNAL, KANGRA AT DHARAMSHALA (HP)  
(CAMP AT MANDI)**

Ref. No.	: 22/2018
Date of Institution	: 28.3.2018
Date of Decision	: 10.04.2023

Smt. Bimla Devi w/o Shri Mast Ram, r/o Village and Post Office Saklana, Tehsil Sarkaghat, District Mandi, H.P. . .Petitioner.

*Versus*

The Executive Engineer, H.P.P.W.D. Division Dharampur, District Mandi, H.P. . .Respondent.

**Reference under Section 10 (1) of the Industrial Disputes Act, 1947**

For the petitioner : Sh. S.K. Sharma, Ld. Adv.

For the respondent : Sh. Anil Sharma, Ld. Dy. D.A.

**AWARD**

The following reference has been received from the appropriate Government for adjudication under section 10 (1) of the Industrial Disputes Act, 1947 (hereinafter referred to as 'the Act' for short).

“Whether termination of the services of Smt. Bimla Devi w/o Shri Mast Ram, r/o Village and Post Office Saklana, Tehsil Sarkaghat, District Mandi, H.P. by the Executive Engineer, H.P.P.W.D. Division, Dharampur, Tehsil Sarkaghat, District Mandi, H.P. w.e.f. 01.09.2000 without complying with the provisions of the Industrial Disputes Act, 1947, is legal and justified? If not, what amount of back wages, seniority, past service benefits and amount of compensation the above aggrieved workman is entitled to from the above employer?”

2. The case of the petitioner, in brief, is to the effect that she was engaged as daily rated beldar by the respondent w.e.f. 03.7.1998 and she worked as such till 31.8.2000. She was, however, subjected to fictional breaks as a measure of unfair labour practices. The workmen junior to her were retained and fresh hands were also engaged after her termination. A long list of names of such workmen has been pleaded in para no.3. As per the petitioner, the respondent retrenched workmen in bulk till the year 2005 on the basis of some illegal notification conferring powers of specified authority on Chief Engineer Mandi. Once the notification was set aside by the Hon'ble High Court of Himachal Pradesh several retrenched workmen approached the courts and their reinstatement was ordered by the court and the petitioner again requested the respondent through its officers to re-engage her but nothing was done in her case. Sufficient work was always available with the respondent and retrenchment was thus an instance of unfair labour practices and the petitioner served a demand notice but the appropriate Government did not forward the reference on the plea that the claim has become stale. The petitioner approached the Hon'ble High Court of H.P. by way of writ petition which was also dismissed. The petitioner filed the Civil Appeal before the Hon'ble Apex Court, which was allowed with the directions that the case of the present petitioner shall be also considered for reference ignoring the objection in the matter of delay. Such facts have been mentioned in the reference. It is in this manner that the present reference was made to this court. In nutshell, the case of the petitioner is to the effect that her retrenchment was against the provisions contained in Sections 25-F, 25-G and 25-H of the Act and therefore, she was entitled for her reinstatement along with all the benefits. So far as delay in approaching the authorities is concerned, the petitioner has submitted that such delay has been liberally condoned by the courts even in the past, and, therefore, there was no hurdle in the way of her success in this case.

3. The respondent has resisted and contested the claim on the plea that the petitioner has worked in between January 1999 to July 1999 on muster roll basis as daily wage in intervals and

thereafter she left the job at her own for no fault of the respondent. Further case is to the effect that the workmen junior to the petitioner were retained as they were regularly reporting to their work, and their services were regularized in accordance with the regularization policy. On the other hand, the petitioner herself left the job and therefore, there was no question of accommodating her in any manner. The respondent while denying other allegations prayed for dismissal of the claim on the ground that it was stale and the petitioner was herself negligent and has left the work at her own. It is submitted that petition be dismissed.

4. The petitioner has filed rejoinder and reaffirmed the averments so made in the petition and denied those made in the reply.

5. From the pleadings of the parties and language of the reference, following issues were framed for determination on 09.04.2019:—

1. Whether termination of the services of petitioner by the respondent w.e.f. 01-09-2000 is/was illegal and unjustified as alleged? . . *OPP*.
2. If issue no.1 is proved in affirmative, to what service benefits the petitioner is entitled to? . . *OPP*.
3. Whether the claim petition is not maintainable in the present form, as alleged? . . *OPR*.
4. Whether the claim petition suffers from the vice of delay and laches, as alleged? . . *OPR*.  
Relief.

6. I have heard learned Counsel for the petitioner as well as learned Assistant District Attorney for the respondent at length and considered the material on record.

7. For the reasons recorded hereinafter, the findings of this Court on the above issues are as under:—

Issue No.1	: Affirmative
Issue No.2	: Affirmative
Issue No.3	: Negative
Issue No.4	: Negative
Relief.	: Petition is <b>partly allowed</b> per operative portion of the award.

### REASONS FOR FINDINGS

*Issues No. 1, 2 and 3*

8. All these issues are taken up together for the sake of convenience and to avoid the repetition of evidence.

9. The petitioner has appeared as PW1 in the witness box and tendered her affidavit as Ext.PW1/A stating therein specifically that her services were terminated on 31.8.2000. She has also tendered in evidence the copy of demand notice Ext.PW1/B in which she has shown the date

of her termination as 31.8.2000. The respondent has although come up with the case that petitioner has worked upto 31.7.2000 yet no concrete evidence has been led to this effect except for the copy of mandays chart placed on the record as Ext.RW1/B. It is not clear that who has prepared this mandays chart as no officer/official has stepped into the witness box to depose about the correctness of the same. There is a variation of one month in the date pleaded by the petitioner and claimed by the respondent. The petitioner submits that her services were terminated on 31.8.2000 whereas, the respondent pleads that the petitioner had left her work in 31.7.2000. Although there is variation regarding the date and month of termination of services, yet the net result is that the petitioner is out of work and therefore, it is not very material as to when she was actually terminated when the year is the same. Variation of one month gap is very nominal and liable to be ignored for the purpose of this case. In **Sansar Chand vs. State of Himachal Pradesh** reported in **2018 LAB. I.C. (NOC) 145 (H.P.)**. The Hon'ble High Court was pleased to hold that variation in the date of termination pleaded by the petitioner and the one mentioned in the reference is not very material and the court can not reject the reference on such technical grounds. The case was remanded by Hon'ble High Court for fresh disposal in accordance with the law and the dismissal of the claim was set aside. Taking support from this law case, it is held that the variation of one months period in between period claimed by the petitioner and period pleaded by the respondent is meaningless and it is sufficient to hold that the services of the petitioner is out of work since the year 2000.

10. When the mandays chart is examined it is clear that petitioner has worked only for 124 days in all and therefore, the compliance of Section 25-F was not compulsory even if the services of the petitioner were terminated. The compliance of Section 25-F has to be made in those cases where the petitioner has worked for minimum 240 days preceding his termination in the calendar year. Thus on the face of the entries in the mandays chart Ext.RW1/B, the compliance of Section 25-F was not required in this case and violation of Section 25-F is not made out.

11. The petitioner has alleged that her services were terminated, whereas, juniors were retained and she has mentioned several workmen in para no.3 of her claim. This specific question was put to Shri Anil Kumar Sharma, SDO (RW1). Shri Anil Kumar Sharma (RW1) has also admitted in his cross-examination that the workmen shown in para no.3 of the affidavit Ext.PW1/A are junior to the petitioner. He has further admitted that they have also been regularized. In other words, the workmen junior to the petitioner were working on the date when the petitioner ceased to work. The next question to be examined by this court is whether there is violation of Section 25-G of the Act or not in these facts and circumstances.

12. The respondent has taken the plea that petitioner has herself left the work at her sweet will and her services were never terminated, therefore, the onus is upon the respondent to establish this plea. The plea of abandonment is the plea of fact and the onus is always upon the employer to prove such abandonment. The respondent has examined Shri Anil Kumar Sharma (RW1) who stated that no notice was issued to the petitioner and no explanation was called and nothing else took place. It means that no effective steps were taken by the respondent to call back the petitioner. Once workmen junior to the petitioner were still working on the date of her alleged retrenchment, a valuable right of application of the principle of 'First Come Last go' existed in her favour which could not have been defeated by the respondent department by not calling back the petitioner even, in case, she had herself left the services. It was the duty of the respondent department to have called the petitioner back. It was the duty of the respondent department to have explained her the right of being terminated after her juniors, in case, the respondent department intended to terminate some of its workers even by following the rules. Since no such exercise was undertaken by the respondent therefore, it is held that the respondent has failed to prove that the petitioner has abandoned the job. Without apprising the petitioner of her valuable right of being terminated after her juniors were firstly terminating, the respondent could not have taken the risk of not calling the petitioner back to

work even if she has started absenting herself from the work at her own volition. By not issuing any notice to her when she had absented herself, the omission of the respondent amounts to implied termination of the services of the petitioner in the year 2000. When the workmen junior to the petitioner were admittedly working on the date of her termination the violation of Section 25-G is made out and petitioner has been able to make out a case of violation of Section 25-G of the Act by the respondent.

13. The petitioner has further alleged that fresh hands were also engaged after her termination. This specific question was put to RW1 Shri Anil Kumar Sharma and seniority list Ext.P1 was shown to him and he was admitted that fresh hands were engaged in the year 2000 and thereafter also. In this situation also once the services of the petitioner were terminated in the year 2000, she was entitled for priority over the fresh hands whenever new workmen were engaged by the respondent. It is therefore, held that the respondent has not only violated the provisions contained in Section 25-G of the Act but he had also violated the provisions of Section 25-H of the Act.

14. Thus from the aforesaid material it is established that the services of the petitioner were terminated in the year 2000 and the violation to the provisions contained in Sections 25-G and 25-H of the Act was caused by the respondent when juniors were retained and fresh hands were engaged without giving preference, priority and opportunity to the petitioner.

#### *Issue No.4*

15. Learned Deputy District Attorney for the respondent has argued that there is a delay in raising the demand and petitioner is not entitled for the relief of reinstatement. On the other hand, the learned Counsel for the petitioner has argued that question of delay was not referred to this court by the appropriate government for adjudication, and therefore, the court can not consider the question of delay to defeat the valuable rights of the petitioner. The learned Counsel for the petitioner has cited a ruling of Hon'ble High Court of Himachal Pradesh in case titled as **State of H.P & Anr. Vs. Mahinder Singh reported in 2017 LLR 1256** in support of his contention. In the judgment cited by the learned counsel for the petitioner, the labour court had directed the reinstatement of the petitioner without examining the question of delay and laches. The State Government of H.P assailed the Award of the Labour court by way of writ petition on the plea that the Labour Court should have dismissed the claim petition on the ground of delay and laches as the workman had raised the dispute after a considerable time. Relying upon **Mukand Ltd. v. Mukand Staff & Officers association reported in 2004(101) FLR 219 (SC)**, it was held that the Tribunal being the creature of the Reference, can not adjudicate the matters not within the purview of the dispute actually referred to it by the order of Reference. It was further held that since the question of delay and laches was not referred to the Tribunal, therefore, the Tribunal could not have answered the Reference against the workman on the ground of delay and laches, and has thus rightly granted the relief. In the case in hand also, a careful perusal of the reference received by this court for adjudication shows that the question of delay and laches has not been referred to this court for adjudication. Thus this law is fully applicable to the facts and circumstances of this case. When the contents of the reference are carefully examined, it is clear that the Hon'ble Apex Court has directed that the objection of delay be ignored for the purpose of making the reference to the court. This observation of the Hon'ble court has been not properly understood while making the reference. The intention of the Hon'ble court while making these observation was that the appropriate government should not foreclose the valuable rights of the petitioner without referring the question of delay and laches for adjudication to the court where the petitioner could always explain the same while leading the evidence and the respondent would get the opportunity to meet this plea. It was thus the labour court and not the appropriate government to decide whether the delay in approaching the authorities on the part of the petitioner was bonafide and properly

explained or not. The observations made by the Hon'ble Supreme Court only meant that the reference be made to the court along-with the question of the delay and its impact on the case of the petitioner, so that the court could render a specific finding on the same after examining the material so placed before the court during the proceedings and where both the parties would get a chance to challenge the evidence of each other by the effective tool of cross-examination. These observations were not properly understood while making the reference and the question of delay was not referred at all to this court for adjudication. When such a question was not referred, this court can not examine the same and the court has to proceed on the assumption that the respondent has waived off the objection of the delay.

Otherwise also, the services of the petitioner were terminated in the year 2000 and the demand was raised by her in the year 2010 as is clear from the demand notice Ext. PW1/B. The delay on the face of it is of around ten years. The petitioner has explained this delay by pleading and deposing that the respondent has retrenched the workmen in bulk in between 1999 to 2005 and whenever the petitioner approached the respondent, she was assured that since large number of retrenchment had taken place and the matter regarding their retrenchment was pending re-consideration with the state government, she should therefore, wait as all the cases were to be considered together. There is no denial of this fact in her cross-examination. This fact has been stated on oath by the RW1 Sh. Anil Sharma SDO in his affidavit Ext. RQ1/A that retrenchments of the workmen took place in between 1999 to 2004. In this background, the bonafide of the petitioner who belongs to labour class can not be doubted that she believed the assurance of the respondent officers when they assured her that government was re-considering the cases of all the mass retrenchments and her case shall also be covered in the same. Thus if other workmen were re-engaged after the year 2005, the raising of the demand by the petitioner within next five years can not be said to be very late so as to deny her the relief on the ground of delay. She has been able to explain her bonafides in this case and no negligence or inaction is proved on her part. Thus it can not be said that the case of the petitioner suffers from the delay and laches, hence this issue is also decided in negative.

### **RELIEF**

17. In view of my above discussions, the claim petition succeeds in part and is partly allowed. The respondent is proved to have terminated the services of the petitioner in violation of the provisions of section 25-G and 25-H of the Act, and the petitioner is held entitled for reinstatement. The respondent is directed to reinstate the services of the petitioner forthwith. The petitioner is entitled for seniority and continuity in service from the date of the demand notice. The petitioner is held entitled to a lump-sum amount of Rs. 50000/- in lieu of back-wages. Parties are left to bear their costs.

18. The reference is answered in aforesaid terms. A copy of this Award be sent to the appropriate Government for publication in the official gazette. File after due completion be consigned to the Record Room.

Announced in the open Court today, this 10th day of April, 2023.

Sd/-  
(HANS RAJ),  
Presiding Judge,  
Labour Court-cum-Industrial Tribunal,  
Kangra at Dharamshala, H.P.

**IN THE COURT OF SH. HANS RAJ, PRESIDING JUDGE, LABOUR COURT-CUM-  
INDUSTRIAL TRIBUNAL, KANGRA AT DHARAMSHALA (HP)  
(CAMP AT MANDI)**

Ref. No. : 77/2014  
Date of Institution : 24.2.2014  
Date of Decision : 18.04.2023

Shri Roshan Lal s/o Shri Krishan, r/o Village Seri, P.O. Chunahan, District Mandi, H.P.  
..Petitioner.

*Versus*

The Employer, Bloom College Education Society, Kot, Chanahan, Tehsil Sadar, District Mandi, H.P.  
..Respondent.

**Reference under Section 10 (1) of the Industrial Disputes Act, 1947**

For the petitioner : Sh. Virender Kumar, Ld. Adv.  
For the respondent : Sh. Deepak Azad, Ld. Adv.

**AWARD**

The following reference has been received from the appropriate Government for adjudication under section 10 (1) of the Industrial Disputes Act, 1947 (hereinafter referred to as 'the Act' for short):—

“Whether termination of the services of Shri Roshan Lal s/o Shri Krishan, r/o Village Seri, P.O. Chunahan, District Mandi, H.P., who was employed as Security Guard *w.e.f.* 06-12-2012 by the Employer, Bloom College Education Society Kot, Chanahan, Tehsil Sadar, District Mandi, H.P. without complying with the provisions of the Industrial Disputes Act, 1947, is legal and justified? If not, what amount of back wages, seniority, past service benefits and compensation the above worker is entitled to from the above employer?”

2. The case of the petitioner, in brief, as made out from the claim is that he was engaged as security guard by the respondent *w.e.f.* 12.3.2007 on monthly salary of Rs.1500/- per month and his services were terminated on 12.11.2007 without following the procedure of law. The petitioner felt aggrieved and approached labour department and the matter was referred to this court vide reference No. 480/2009. During the proceedings, the respondent made a statement on 4.11.2011 to the effect that the petitioner shall be re-engaged at the monthly salary of Rs.3000/- per month. The petitioner was re-engaged and thereafter again terminated on 6.12.2012 by violating the provisions of Sections 25-F, 25-G and 25-H of the Act. The petitioner again moved his case to the labour department and the present reference was made to this court for adjudication. On these averments the petitioner has prayed for reinstatement and all other consequential benefits.

3. The respondent has resisted and contested the petition and taken the plea that the petitioner always misbehaved with the employees of the respondent namely Smt. Kaushalya Devi, Smt. Roshani Devi etc. and he was served with a notice thereafter his services were terminated by

legal order. It is submitted that there was no violation of any provisions of the Act and prayed for dismissal of the petition.

4. Rejoinder was also filed and denying the illegal averments in the reply regarding misbehaved.

5. From the pleadings of the parties and language of the reference, following issues were framed for determination on 30.5.2018:—

1. Whether termination of services of the claimant/petitioner by the respondent *w.e.f.* 06-12-2012 is/was illegal and unjustified as alleged? . . . *OPP.*

2. If issue no.1 is proved affirmative to what service benefits the petitioner is entitled to? . . . *OPP.*  
Relief.

6. I have heard learned Counsel for the parties at length and considered the material on record.

7. For the reasons recorded hereinafter, the findings of this Court on the above issues are as under:—

Issue No.1 : Negative

Issue No.2 : Negative

Relief : Petition is **dismissed** per operative portion of the Award.

### REASONS FOR FINDINGS

#### *Issues No.1 and 2*

8. Both these issues are taken up together for sake of convenience and to avoid repetition of facts and evidence.

9. The petitioner has tendered his affidavit Ext.PW1/A and he was subjected to cross-examination on 17.12.2019. He has also examined one Shri Pal Singh as PW2 and his affidavit Ext. PW2/A. The file was listed for the evidence of the respondent but learned counsel for the petitioner has made statement to the effect that the petitioner was no more interested in pursuing the matter and therefore, claim may be disposed of accordingly.

Since the petitioner is no more interested in pursuing his case, therefore, the merits of the case need not be touched. It is sufficient to note that the petitioner does not want any relief against the respondent now and for this reason, he has stated that the matter may be disposed off accordingly. In view of the statement of the learned Advocate appearing for the petitioner recorded today, it is held that the petitioner is not entitled to the relief claimed for the reason that he does not press his claim anymore. Hence both these issues are decided in negative.

### RELIEF

10. In view of the statement of learned counsel for the petitioner the claim petition is answered in negative and the same is dismissed as not pressed. Parties are left to bear their costs.

11. The reference is answered in aforesaid terms. A copy of this Award be sent to the appropriate Government for publication in the official gazette. File after due completion be consigned to the Record Room.

Announced in the open Court today, this 18th day of April, 2023.

Sd/-  
(HANS RAJ),  
*Presiding Judge,*  
*Labour Court-cum-Industrial Tribunal,*  
*Kangra at Dharamshala, H.P.*

**IN THE COURT OF SH. HANS RAJ, PRESIDING JUDGE, LABOUR COURT-CUM-  
INDUSTRIAL TRIBUNAL, KANGRA AT DHARAMSHALA (H.P.)  
(CAMP AT BILASPUR)**

Ref. No. : 49/2018  
Date of Institution : 06.06.2018  
Date of Decision : 20.04.2023

Shri Sansar Chand s/o Shri Shalig Ram, r/o Village Paprola, Tehsil Baijnath, District Kangra, H.P. . *Petitioner.*

*Versus*

1. The Managing Director, Himachal Pradesh State Forest Development Corporation Limited, Shimla, H.P.

2. The General Manager, Rosin & Turpentine Factory, Raghunathpura, Tehsil Sadar, District Bilaspur, H.P. .  
*Respondents.*

**Reference under Section 10 (1) of the Industrial Disputes Act, 1947**

For the petitioner : Petitioner in person  
For the respondent(s) : Sh. Vijay Mehra, Ld. Adv.

**AWARD**

The following reference has been received from the appropriate Government for adjudication under section 10 (1) of the Industrial Disputes Act, 1947 (hereinafter referred to as 'the Act' for short).

“Whether the demand raised by Shri Sansar Chand s/o Shri Shalig Ram, r/o Village Paprola, Tehsil Baijnath, District Kangra, H.P. before (1) The Managing Director, Himachal Pradesh

State Forest Development Corporation Limited, Shimla, H.P., (2) The General Manager, Rosin & Turpentine Factory, Raghunathpura, Tehsil Sadar, District Bilaspur, H.P. vide demand notice dated 02.04.2016 (Copy enclosed) regarding promoted as Skilled worker on the post of Distiller, as alleged by the workman, is maintainable, legal and justified? If yes, what amount of financial, other service benefits the above worker is entitled to from the above employer/Management?"

2. The case of the petitioner, in brief, is to the effect that he was engaged as daily rated worker by the respondent in the year 1983 and his services were regularized in the year 1998. He was thereafter transferred to R&T Factory Raghunathpura, Bilaspur and was promoted as skilled worker. He was thereafter assigned the work of the distiller and he worked as such till the year 2009. Later on, six workers were promoted by the respondent to the status of skilled workers and candidature of the petitioner was not considered despite of the fact that he was already working in such a capacity. On the aforesaid averments, the petitioner had prayed for his promotion with retrospective fact.

3. The respondent has filed reply and tried to justify their action. The contents of the reply need not to be discussed in detail as the petitioner does not want to pursue with the claim and vide his statement today, he wants to withdraw the same.

4. Rejoinder was also filed.

5. From the pleadings of the parties and language of the reference, following issues were framed for determination on 7.7.2022:—

1. Whether demand raised by the petitioner from the respondent regarding promoted as skilled worker on the post of Distiller vide demand notice dated 02.04.2016 is/was illegal and unjustified, as alleged? . . . *OPP.*
2. If issue no.1 is approved in affirmative, what service benefits the petitioner is entitled to? . . . *OPP.*
3. Whether the claim petition is not maintainable, as alleged? . . . *OPR.*

Relief.

6. For the reasons recorded hereinafter, the findings of this Court on the above issues are as under:—

Issue No.1 : Negative

Issue No.2 : Negative

Relief : Petition is **dismissed** per operative portion of the Award.

### REASONS FOR FINDINGS

*Issues No.1 to 3*

7. All these issues are interlinked and interconnected and can be disposed of by single finding.

8. It may be stated at the very beginning that the file was listed for the evidence of the petitioner today but the petitioner has made statement to the effect that the he was no more interested in pursuing the matter, and therefore, claim may be disposed of accordingly.

10. Since the petitioner is no more interested in pursuing his case, therefore, the merits of the case need not be touched. It is sufficient to note that the petitioner does not want any relief against the respondent now and for this reason, he has stated that the matter may be disposed off accordingly. In view of the statement of the petitioner recorded today, it is held that the petitioner is not entitled to the relief claimed for the reason that he does not press his claim anymore nor he has led any evidence in support of the same. Hence all these issues are decided in negative.

### **RELIEF**

11. In view of the statement of petitioner recorded today and placed on the record separately, the claim petition is answered in negative and the same is dismissed as not pressed. Parties are left to bear their costs.

12. The reference is answered in aforesaid terms. A copy of this Award be sent to the appropriate Government for publication in the official gazette. File after due completion be consigned to the Record Room.

Announced in the open Court today, this 20th day of April, 2023.

Sd/-  
(HANS RAJ),  
*Presiding Judge,*  
*Labour Court-cum-Industrial Tribunal,*  
*Kangra at Dharamshala, H.P.*

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### **IN THE COURT OF SH. HANS RAJ, PRESIDING JUDGE, LABOUR COURT-CUM-INDUSTRIAL TRIBUNAL, KANGRA AT DHARAMSHALA (H.P.) (CAMP AT CHAMBA)**

Ref No. : 47/2019  
Date of Institution : 23.05.2019  
Date of Decision : 27.04.2023

Shri Hari Nath s/o Shri Ram Lal, r/o Village and Post Office Sach, Tehsil Pangi, District Chamba, H.P. . .Petitioner.

### *Versus*

The Superintending Engineer, Operation Circle, H.P.S.E.B.L., Dalhousie, District Chamba, H.P. . .Respondent.

### **Reference under Section 10 (1) of the Industrial Disputes Act, 1947**

For the Petitioner : None for the petitioner  
For Respondent : Sh. Rajat Chaudhary, Ld. Adv.  
(Vice)

**AWARD**

The following reference has been received from the appropriate Government for adjudication under Section 10 (1) of the Industrial Disputes Act, 1947 (hereinafter referred to as 'the Act' for short):—

“Whether the termination of services of Shri Hari Nath s/o Shri Ram Lal, r/o Village and Post Office Sach, Tehsil Pangi, District Chamba, by the Superintending Engineer, Operation Circle, HPSEBL, Dalhousie, District Chamba, H.P. through his service provider/contractor w.e.f. 01.04.2016 without serving notice, without complying with the provisions of the Industrial Disputes Act, 1947, is legal and justified? If not, what amount of back wages, seniority, past service benefits and amount of compensation the above aggrieved ex-worker is entitled to from the above employer?”

2. It may be stated here that the notice was issued to the petitioner for 27th April, 2023 for his appearance before the court at Chamba which was served upon him personally. Despite of this, the petitioner did not appear before this Court. Since there are neither pleadings nor evidence in support of the reference, the reference is answered in negative. Parties are left to bear their costs.

3. The reference is answered in aforesaid terms. A copy of this Award be sent to the appropriate Government for publication in the official gazette. File after due completion be consigned to the Record Room.

Announced in the open Court today, this 27th day of April, 2023.

Sd/-  
(HANS RAJ),  
*Presiding Judge,*  
*Labour Court-cum-Industrial Tribunal,*  
*Kangra at Dharamshala, H.P.*  
(Camp at Chamba).

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**IN THE COURT OF SH. HANS RAJ, PRESIDING JUDGE, LABOUR COURT-CUM-INDUSTRIAL TRIBUNAL, KANGRA AT DHARAMSHALA (HP)  
(CAMP AT CHAMBA)**

Ref. No. : 689/2016  
Date of Institution : 03.10.2016  
Date of Decision : 28.04.2023

Smt. Ishwari Devi d/o Shri Devi Dass, r/o Village Singhot, P.O. Bananter, Tehsil Churah,  
District Chamba, H.P. . . . . .*Petitioner.*

*Versus*

1. The Director, M/s. Ginni Global Limited 2nd Floor, Shanti Chambar, 11/6-B, Pussa Road, New Delhi -110003.

2. The Project Manager, Ginni Global Limited, Office at Village Kehluin, P.O. Bairagarh, Tehsil Churah, District Chamba, H.P. . . Respondents.

### Reference under Section 10 (1) of the Industrial Disputes Act, 1947

For the petitioner : Sh. Kartik Negi, Ld. Adv.  
 For the respondent : Sh. N.L. Kaundal, Ld. AR  
 : Sh. Rajat Chaudhary, Ld. Adv.

### AWARD

The following reference has been received from the appropriate Government for adjudication under section 10 (1) of the Industrial Disputes Act, 1947 (hereinafter referred to as 'the Act' for short):—

“Whether the termination of the services of Smt. Ishwari Devi d/o Shri Devi Dass, r/o Village Singhot, P.O. Bananter, Tehsil Churah, District Chamba, H.P. by (1) The Director M/s Ginni Global Limited, 2nd Floor, Shanti Chambar, 11/6-B, Pussa Road, New Delhi-110003 & (2) The Project Manager, Ginni Global Limited, Office at Kehluin, P.O. Bairagarh, Tehsil Churah, District Chamba, H.P. w.e.f. 11.08.2013 without complying with the provisions of the Industrial Disputes Act, 1947, as alleged by the workman, is legal and justified? If not, what amount of back wages, seniority, past service benefits and amount of compensation the above aggrieved worker is entitled to from the above employers/Management?

2. The case of the petitioner, in brief, as made out from the claim petition is that she was engaged by the respondent on muster roll on 1.1.2009 and she worked regularly for many years. No casual card and attendance card were issued in her favour and her working days were also not disclosed. Fictional breaks were also given to her so that any right under Industrial Disputes Act could not accrue in her favour. Her services were orally terminated in violation to the provisions contained in Section 25-F of the Act in July 2013 and thereafter she approached the respondent company time and again but no heed was paid to her requests. Even salary was not paid to her during the period she had worked. In fact, an agreement was entered in between the respondent company and the father of the petitioner at the very inception whereby the company has assured to provide employment to two members of the family of the land owner for a period of 40 years but the petitioner was thrown out of the job illegally. Juniors were retained and fresh hand were also engaged after her termination and the petitioner, therefore, has prayed that she was entitled for the relief of reinstatement, continuity in service and seniority. It is also submitted that she is also entitled for regularization in services and all other consequential benefits.

3. The respondent has resisted and contested the claim and denied each and every averment as incorrect. The respondent has pleaded that the petitioner had never remained its employee nor she has worked even for a single day, hence, there was no relationship of master and servant between the two and there was no question of termination of her services. It is also submitted that the petition is without merit and be dismissed.

4. The petitioner has filed rejoinder and reaffirmed the averments so made in the petition and denied those made in the reply.

5. From the pleadings of the parties and language of the reference, following issues were framed for determination on 07.08.2019:—

1. Whether the termination of the services of the petitioner by the respondent *w.e.f.* 11-08-2013 is/was illegal and unjustified, as alleged? *..OPP.*
  2. If issue No.1 is proved in affirmative to what service benefits the petitioner is entitled to? *..OPP.*
  3. Whether the claim petition is not maintainable in the present form, as alleged? *..OPR.*
  4. Whether the petitioner has not approached to this court with clean hands, as alleged? *..OPR.*
- Relief.

6. I have heard learned Counsel for the parties at length and considered the material on record.

7. For the reasons recorded hereinafter, the findings of this Court on the above issues are as under:—

Issue No. 1	: Affirmative
Issue No. 2	: Affirmative
Issue No. 3	: No
Issue No. 4	: No
Relief	: Petition is <b>partly allowed</b> awarding lump sum compensation of ₹2,00,000/- per operative portion of the Award.

### REASONS FOR FINDINGS

#### *Issues No.1 to 4*

8. All these issues being interlinked and interconnect are taken up together and these issues can be conveniently disposed of by way of single findings to avoid the repetition of evidence.

9. The learned Authorized Representative for the respondent has vehemently argued on master servant relationship in this case. According to him, the petitioner was not the employee of the respondent at all hence, the petition on the face of it is not maintainable. He has further argued that though the land of the father of the petitioner was purchased by the company for construction of the project and employment to two members of the family was offered, yet the petitioner never joined the company. For this reasons, according to the Authorized Representative, no document is available to show that petitioner has worked even for a single day. It is submitted that the petition is liable to fail on this ground. He has placed reliance on the judgment of Hon'ble High Court of Bombay reported in **2015 LLR 37** titled as **M/s Piaggio Vehicles Pvt. Ltd. Vs. M/s Jagannath Vithal Jagtap & Anr., 2020 LLR 495** titled as **Ram Vinoy Singh vs. Chief General Manager,**

**State Bank of India, 2019 LLR 1109** of Hon'ble High Court of Himachal Pradesh titled as **Rakesh Sharma vs. Indian Oil Corporation and Anr.** and judgment of Hon'ble High Court of Delhi titled as **Krishan Kumar Sharma vs. The P.O., Labour Court No.VIII and Anr.** reported in **2020 LLR 919** on this point and stressed upon the fact that initial burden is always upon the petitioner and she could have discharged the burden by placing documents on the record which she has not placed. On the other hand, the learned counsel for the petitioner has argued that the petitioner was subjected to unfair labour practice throughout by the respondent and she was not even issued identity card and casual cards. Her presence was though marked but no such material has been brought before this court. The learned counsel has relied upon the list shown as Mark-P1 on the record to connect the petitioner with the respondent. He has also relied upon oral evidence.

10. It is settled law that the initial onus is upon the petitioner to prove that he/she was employee of the respondent employer. Once the petitioner succeeds to discharge the initial onus only then onus is shifted upon the employer to prove that there was no employer and employee relationship between the two.

11. Before the aforesaid test is applied to the present case one fact that needs to be kept in mind is that the Industrial Disputes Act is a beneficial piece of legislation and it leans in favour of the workman. The workman is not supposed to prove his case beyond all reasonable doubts or by preponderance of the probabilities. He has to discharge the initial onus to the prima-facie level, and once he does so, all the presumptions leans in his favour and it is thereafter for the employer to prove by preponderance of probabilities that the petitioner has failed to establish his case.

12. In the case in hand, the petitioner has not placed on the record any document in the form of mandays chart, casual card or identity card to prove that she was employee of the respondent company. She has however, explained her plight by pleading throughout that she was subjected to unfair labour practices and no document was supplied to her which could connect her with the respondent. In this unique situation, the petitioner has led oral evidence and to support her version she has examined her father Shri Devi Dass as PW2 and one Shri Lekho as PW3. Her father Shri Devi Dass has specifically stated about the fact that petitioner was not only engaged by the respondent but she has worked continuously till the year 2013 when her services were illegally terminated by the respondent. He was subjected to cross-examination and his testimony could not be shaken during cross-examination. He should have been searchingly cross-examined so that the facts deposed by him could be tested by the effective tool of cross-examination before the same could be relied upon. Not even suggestions were put to him to the effect that his daughter has never worked with the respondent any point of time. There are no suggestions even in denial of the employment of the petitioner. The statement of father of the petitioner has been made on oath and there is sanctity attached to the oath. This statement can not be discarded simply for the reasons that the witness is father of the petitioner. It is always the family members, friends and relatives who come forward to depose about the facts they know personally. No third person in the modern society is willingly to appear as a witness for someone despite of the fact that he has actually witnessed a particular event. Thus statement of Shri Devi Dass can not be disbelieved merely for the reasons that he is father of the petitioner. The father of a party to litigation is always a competent witness, in case, he is speaking the truth. Shri Lekho has been examined as PW3 in the witness box. He has also sworn his affidavit Ext.PW3/A and spoken about the fact that he had seen the petitioner working with the respondent for many years. He has also stated that he had also worked with the respondent. He was also subjected to cross-examination wherein it was revealed that he was working with a contractor in the respondent company. This fact also suggests that he had been working for the respondent and was not stranger for the respondent company. Thus he can not be termed as a witness planted to merely support the case of the petitioner. Since he had been working for the respondent, therefore, it is expected from him that he was well aware of the state of affairs in the company. He knows the petitioner personally, and therefore, there are no reasons to

disbelieve him when he has spoken about the fact that the petitioner was working with the respondent till the year 2013. His statement can not be also brushed aside mechanically. The respondent, on the other hand, was also free to examine other workers of its unit before this court who could depose about the fact that the petitioner has not worked in the respondent company at any point of time. No such worker of the company has been examined and an adverse inference is drawn against the respondent to the effect that had any worker of the company been examined as a witness by the respondent, he would have not supported its case. When there are specific allegations regarding the exercise of unfair labour practices against the respondent, it can not be expected from the petitioner that she will not produce the casual card, mandays chart etc. in her evidence to prove that she was the employee of the respondent. After all, the respondent is a maker and custodian of the record and has liberty to prepare the record in the manner suited to its benefit. In this factual situation, the oral evidence particularly the statement of petitioner duly corroborated by her father and one Shri Lekho can not be discarded but said evidence has to be given weight to the extent that the onus to disprove the case of the petitioner is shifted upon the respondent. The respondent, on the other hand, has examined Shri Satish Singh, Deputy General Manager as RW1. He has stated on oath only those facts that suited the case of the respondent. He has denied the employee and employer relationship with the petitioner and has stated that no documents being wage card, identity card, EPF etc. have been produced on the record by the petitioner. He has further stated that same stand was taken by the company before the conciliation officer.

13. When this witness was subjected to searching cross-examination, many things were revealed for the first time. It has been admitted by him that 7 biswa land of Shri Devi Dass was acquired and compensation of Rs.60 lakhs was paid to him. He made very important admission by admitting that company had assured that two members of the family of Shri Devi Dass shall be given employment in the company. It shows that when land of the father of the petitioner was purchased there was an undertaking by the company that employment shall be given to at least two family members of Shri Devi Dass. He denied that Shri Pawan Kumar was given the employment at the same time. He explained that Shri Pawan Kumar had joined the work but Smt. Ishwari Devi (petitioner) had never reported for the work. It shows that Shri Pawan Kumar and present petitioner were given the work. The respondent has denied the claim of the petitioner on the plea that she did not report for the work. A copy of information obtained under RTI was shown to him as Mark-P1. He admitted that name of Shri Pawan and petitioner Smt. Ishwari Devi were shown at serial no.50 and 51 in this list. He volunteered to state that it was a proposal list. Though this document mark P-1 is not exhibited in evidence for the reasons that the original information obtained from the respondent was not produced for inspection of the court, yet this witness did not dispute the correctness of the photocopy of the original shown to him in the court. Had this witness deposed that this photo copy of the list of employees was either forged or tempered or altered and not the true copy of the original list issued by the company, position would have been otherwise. In such a situation, this court could not have examined the contents of this list at all and discarded mark P-1 as a whole. But this witness did not dispute the correctness of this list but claimed that it was only a proposal list. As aforesaid, the Industrial Disputes Act is a beneficial piece of legislation and strict rules of evidence are not applicable. In this situation when the authenticity of document is not disputed by the party against whom such document can be used, such document can be used by the court even though it has not been proved strictly in accordance with the rules of evidence. Had the Deputy Manager of the respondent denied this document or claimed that it was tempered, altered or forged, this court would have been hesitant in relying upon the same. Since such is not the case, the court can safely be rely upon this document when its existence and correctness has been approved by the Deputy Manager of the company. When Mark-P1 is carefully gone through, it is clear that this is list of as many as 52 workers working with the respondent and this list was supplied by the respondent to SDM (Civil), Churah, District Chamba, H.P. in response to an application under RTI. As per the contents of the forwarding letter attached, this is a list of employees/workers of the respondent as on 27.10.2011. Thus this document becomes a relevant

and important document for the purpose of this case. This information was supplied by SDM (Civil) to the father of the petitioner namely Shri Devi Dass. As per this list, Shri Pawan has been shown at serial no.50 and Smt. Ishwari Devi (petitioner) has been shown at serial no.51 of this list. Therefore, it is not a proposal list but it is the list of the workmen working with the respondent as on 27.10.2011. This list can not be a proposal list as there was no question of giving any proposal in the year 2011 as the land was acquired much earlier to year 2011 and workers were engaged in the year 2009 by the respondent. Had it been proposal list why wrong information was given to SDO (Civil) Churah under RTI showing the persons mentioned in this list as the existing workers of the company. It was for the respondent to explain the contents of this letter/list by leading further evidence but nothing was done and this list therefore, prove that as on 27.11.2011 the petitioner was working with the respondent company and her name has been shown at serial no.51 of the list of workers supplied to SDM (Civil) Churah, District Chamba, H.P. by the company. This information was further supplied to Shri Devi Dass. This list is a material piece of evidence and despite of the fact that it has not been proved in accordance with rules of the evidence yet its authenticity had not been disputed by the officer of the respondent examined as RW1 in the witness-box. Therefore, this document can safely be relied upon irrespective of the fact that it has been marked and not exhibited. After all, the Industrial Disputes Act is beneficial piece of legislation where the strict rules of evidence do not apply. Moreover, the cases are conducted on behalf of the labourer by authorized representative or by the parties themselves who are not very conversant with the rules of evidence and procedure. In the case in hand also, once this list was shown to Shri Satish Singh (RW1) and once he has not disputed its correctness, the list can not be ignored. He has tried to show that it was a proposal list. In case it was proposal list he should be led ample evidence to prove this fact and explained as to what type of proposal it was?. After all, the respondent is a custodian of the record and must have come to the court with clean hands. The respondent should have itself volunteered to supply the lists of its workers along-with reply so as to show that the petitioner had at no point of time worked with the respondent company. No list of any worker has been appended with the reply of the respondent which shows that the respondent intends to conceal the truth from the court and, therefore, no documents has been placed on the record. The respondent has not shown its fairness by placing the list of workers right from 2009 to 2013. Had it been done, this court could have received the chance to examine all those lists to find out whether the petitioner was included in any of the list or not. The respondent could have examined any of its worker in the court as witness and such worker would have stated with clarity and confidence that the petitioner has never worked with the respondent at any point of time. No such exercise was undertaken by the respondent. The petitioner has not only discharged the initial onus but she has produced the list obtained by her father through RTI in the year 2011 in which she has been shown as a worker of the respondent. When the petitioner was shown as worker of the respondent in the year 2011 it is but natural that she had joined the respondent before the year 2011. In such a situation the evidence led by the petitioner that she was engaged by the respondent in the year 2009 can not be discarded lightly. Thus the evidence led by the petitioner is sufficient to prove that the relationship between the respondent and the petitioner that of the employer and the employee. The respondent is held to have failed to discharge the onus shifted upon it.

14. The next question that arises for consideration whether petitioner has been able to show that she has worked for 240 days before her alleged termination. It may be stated that the respondent has since concealed the record from the court, therefore, the court has no hesitations to presume that petitioner has worked at least 240 days in the preceding twelve calendar months before her services were terminated orally. When this being the position, the compliance of Section 25-F of the Act was mandatory in this case which was not done.

15. The petitioner has although claimed that workmen junior to her were retained but no evidence has been led by her. It is stated in the claim that the names of the workers shall be disclosed at the time of evidence but the affidavit sworn in evidence is carrying the same contents

without mentioning the name of the juniors retained. It shows that petitioner is not able to show that her junior have been retained as per list Mark-P1. Only Bainsu Ram is shown as junior to her and she has not said whether that Bainsu Ram is in still service. Therefore, the court can not presume anything in favour of the petitioner. It is therefore, not established that Shri Bainsu Ram was retained while services of the petitioner were terminated. Thus violation of Section 25-G of the Act is not established.

16. So far as violation of Section 25-H of the Act is concerned, the petitioner again has not been led any evidence to show that fresh hands were engaged after her termination.

17. Thus the petitioner has not been able to prove that she was the worker of the respondent and had worked with the respondent since the year 2009 till 2013 and her services were illegally terminated without serving notice upon her. The statement of the petitioner is duly corroborated by her father and one Shri Lekho Ram. Further the list of workers issued by the respondent in the year 2011 can also be not ignored. The respondent has further failed to explained the contents of this list of workers obtained under RTI. It is therefore, proved that petitioner the services of the petitioner were terminated in the year 2013 without complying with the provisions of Section 25-F of the Act as the petitioner has claimed that she has worked in continuity and the respondent has withheld all the records pertaining to her despite of the fact that her name figures in the list of workers to the year 2011 which shows that petitioner had worked minimum 240 working days before her termination and that the petition is maintainable as well as she has come to the court with clean hands. However the respondent has concealed the material facts from the court when the respondent has supplied the list of workers working in the company in the year 2011 in which name of the petitioner has figured at serial no.51.

18. For the aforesaid reasons, facts and circumstances of the case it is held that the respondent has violated the provisions contained in Sections 25-F of the Act as the services of the petitioner were wrongly and illegally terminated by the respondent. It is settled law by now that in case, the violation of section 25-F alone is established, the rule is payment of compensation rather than ordering the reinstatement of the workman as the employer after reinstatement of such a workman can comply with the provisions contained in section 25-F of the Act and again retrench such a petitioner on payment of the compensation. In the case in hand, since the violation of section 25-F alone is established, the petitioner is held entitled to receive compensation. Taking into account the facts and circumstances of the case, the duration for which the petitioner has worked with the respondents, ends of justice shall be met, in case compensation of ₹2,00,000/- (two lakhs only) is awarded in favour of the petitioner, hence all the issues are decided accordingly.

### **RELIEF**

19. In view of my discussion on the above issues, it is held that though there had been violation of Section 25-F alone of the Act, hence reinstatement and other consequential benefits cannot be granted in her favour but she is held entitled for compensation to the tune of ₹2,00,000/- (Rupees two lakhs only), which would be paid within four months by the respondent and from the date of receipt of Award failing which the respondent shall be liable to pay the interest @ 6% per annum on the said amount from the date of award till the date of its realization. Parties are left to bear their costs.

20. The reference is answered in aforesaid terms. A copy of this Award be sent to the appropriate Government for publication in the official gazette. File after due completion be consigned to the Record Room.

Announced in the open Court today, this 28th day of April, 2023.

Sd/-  
(HANS RAJ),  
Presiding Judge,  
Labour Court-cum-Industrial Tribunal,  
Kangra at Dharamshala, H.P.  
(Camp at Chamba).

## परिवहन विभाग

### अधिसूचना

शिमला-2, 01 अगस्त, 2023

**संख्या: टी.पी.टी.-एफ(6)-2/2019.**—हिमाचल प्रदेश मोटर यान (संशोधन) नियम, 2023 के प्रारूप को मोटर यान अधिनियम, 1988 (1988 का 59) की धारा 96 (2) और 211 के साथ पठित धारा 212 के उपबन्धों के अधीन यथा अपेक्षित के अनुसार, एतद्वारा संभाव्य प्रभावित होने वाले व्यक्ति (व्यक्तियों) से आक्षेप(पों) या सुझाव(वों) आमन्त्रित करने के लिए इस विभाग की समसंख्यक अधिसूचना तारीख 29-05-2023 द्वारा अधिसूचित किया गया था और जिसे राजपत्र (ई-गजट), हिमाचल प्रदेश में तारीख 05 जून, 2023 को प्रकाशित किया गया था;

और नियत अवधि के भीतर कोई आक्षेप या सुझाव प्राप्त नहीं हुआ है/हुए हैं;

अतः हिमाचल प्रदेश के राज्यपाल, मोटर यान अधिनियम, 1988 (1988 का 59) की धारा 96 (2) और 211 के साथ पठित धारा 212 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, इस विभाग की अधिसूचना संख्या: 5-24/88-टी.पी.टी.-III, तारीख 12 जुलाई, 1999 द्वारा अधिसूचित और राजपत्र (असाधारण), हिमाचल प्रदेश में तारीख 27 जुलाई, 1999 को प्रकाशित हिमाचल प्रदेश मोटर यान नियम, 1999 का और संशोधन करने के लिए निम्नलिखित नियम बनाते हैं, अर्थात्:-

**1. संक्षिप्त नाम और प्रारम्भ.**—(1) इन नियमों का संक्षिप्त नाम हिमाचल प्रदेश मोटर यान (संशोधन) नियम, 2023 है।

(2) ये नियम राजपत्र (ई-गजट), हिमाचल प्रदेश में प्रकाशन की तारीख से प्रवृत्त होंगे।

**2. नियम 40 क का प्रतिस्थापन.**—हिमाचल प्रदेश मोटर यान नियम, 1999 के नियम 40 क के स्थान पर निम्नलिखित रखा जाएगा, अर्थात्:-

**"40 क. अभिकरण की प्राधिकारिता के लिए प्रतिभूति और फीस और प्रदूषण नियन्त्रण प्रमाण-पत्र जारी करना.**—(1) केन्द्रीय मोटर यान नियम, 1989 के नियम 115 (7) के अधीन प्रदूषण नियन्त्रण प्रमाण-पत्र जारी करने की प्राधिकार्यता हेतु निम्नलिखित प्रतिभूति और फीस ऐसी प्राधिकारिता के लिए आवेदन करने वाले अभिकरण द्वारा संदेय होगी, अर्थात्:-

निदेशक, परिवहन के पास जमा की जाने वाली प्रतिदेय प्रतिभूति	शहरी क्षेत्रों में अवस्थित केन्द्रों के लिए रुपए 15000/- और ग्रामीण क्षेत्रों में अवस्थित केन्द्रों के लिए 5000/-रुपए :
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परन्तु पहले से प्राधिकृत अभिकरण प्राधिकारिता के नवीकरण के समय प्रतिदेय प्रतिभूमि जमा करेंगे :

परन्तु यह और कि नियन्त्रणाधीन प्रदूषण प्राधिकारिता हेतु आवेदन करने वाले अभिकरण/आवेदक से 500/- रुपए की अप्रतिदेय आवेदन फीस प्रभार्य होगी।

(क) प्राधिकारिता के लिए फीस	
(i) पेट्रोल – चालित मोटर यानों के लिए	4000 /- रुपए
(ii) डीजल – चालित मोटर यानों के लिए	4000 /- रुपए
(iii) पेट्रोल और डीजल दोनों से चालित मोटर यानों के लिए	8000 /- रुपए
(ख) प्राधिकरण के लिए नवीकरण फीस	
(i) पेट्रोल – चालित मोटर यानों के लिए	4000 /- रुपए
(ii) डीजल – चालित मोटर यानों के लिए	4000 /- रुपए
(iii) पेट्रोल और डीजल दोनों से चालित मोटर यानों के लिए	8000 /- रुपए

(2) प्राधिकृत अभिकरण प्रदूषण नियन्त्रण प्रमाण-पत्र जारी करने के लिए निम्नलिखित फीस प्रभारित करेगा :-

पेट्रोल/सी0एन0जी/एल0पी0जी0 चालित 2 और तीन पहिए वाले यानों के लिए	रुपए 80 (+20 हरित कर) कुल = ₹ 100 /- तिपहिया = ₹ 100 (+20 हरित कर) कुल = ₹ 120 /-
पेट्रोल/सी0एन0जी/एल0पी0जी0 चालित चार पहिया यानों के लिए	रुपए 100 (+30 हरित कर) कुल = ₹ 130 /-
डीजल चालित यानों के लिए	रुपए 110 /- (+40 हरित कर) कुल = ₹ 150 /- :

परन्तु प्राधिकृत अभिकरण अल्प-समायोजन के लिए अधिकतम रु0 10/- प्रति यान प्रभारित कर सकेगा। "

आदेश द्वारा,

आर0 डी0 नजीम,  
प्रधान सचिव (परिवहन)।

[Authoritative English Text of this department Notification No. TPT-F(6)-2/2019 dated 01-08-2023 as required under Article 348 (3) of the Constitution of India].

## TRANSPORT DEPARTMENT

### NOTIFICATION

Shimla-2, the 1st August,, 2023

**No. TPT-F(6)-2/2019.**—Whereas, the draft Himachal Pradesh Motor Vehicles (amendment) Rules, 2023 were notified *vide* this department notification of even number dated 29-05-2023 and published in the Rajpatra (e-Gazette), Himachal Pradesh dated 05th June, 2023 for inviting objection(s) or suggestion(s) from the person(s) likely to be affected there by, as required

under the provisions of section 212 read with section 96 (2) and 211 of the Motor Vehicles Act, 1988 (59 of 1988);

And whereas, no objection(s) or suggestion(s) have been received within the stipulated period;

Now, therefore, in exercise of the powers conferred by Section 212 read with Sections 96 (2) and 211 of the Motor Vehicles Act, 1988 (59 of 1988), the Governor, Himachal Pradesh is pleased to make the following rules further to amend Himachal Pradesh Motor Vehicles Rules, 1999, notified *vide* this department notification No 5-24/88-Tpt-III, dated 12th July 1999 and published in Rajpatra (Extra-ordinary), Himachal Pradesh dated 27th July, 1999, namely:—

**1. Short title and commencement.**—These rules may be called the Himachal Pradesh Motor Vehicles (amendment) Rules, 2023.

(2) These rules shall come into force from the date of publication in the Rajpatra (e-Gazette), Himachal Pradesh.

**2. Substitution of Rule 40A.**—For rule 40 A of the Himachal Pradesh Motor Vehicle Rules, 1999, the following shall be substituted, namely:—

**“40A. Security and Fee for Authorization of Agency and issue of pollution under control certificate.**—(1) The following Security and fee for authorization of issuing a pollution under control certificate under rule 115 (7) of the Central Motor Vehicle Rules, 1989 shall be payable by the agency applying for such authorization, namely:—

Security refundable to be deposited with the Director of Transport	Rs. 15000/-for centres located in urban areas and Rs. 5000/- for centers located in rural areas:
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Provided that the agencies already authorized shall deposit refundable security at the time of renewal of authorization:

Provided further that a non-refundable application fee of Rs. 500/- shall be charged from the agency/applicant applying for Pollution Under Control authorization:

(a) fee for authorization	
(i) for petrol driven motor vehicles	Rs. 4000/-
(ii) for diesel driven motor vehicles	Rs. 4000/-
(iii) for both petrol and diesel driven motor vehicles	Rs. 8000/-
(b) renewal fee for authorization	
(i) for petrol driven motor vehicles	Rs. 4000/-
(ii) for diesel driven motor vehicles	Rs. 4000/-
(iii) for both petrol and diesel driven motor vehicles	Rs. 8000/-

(2) The authorized agency shall charge the following fee for issue of a Pollution Under Control Certificate:—

For Petrol/CNG/LPG driven 2 and 3 wheeled vehicles	Rs. 80 (+20 green Tax) Total =Rs.100/- Three wheeler Rs. 100 (+Rs. 20 green tax) Total= Rs. 120/-
For petrol/CNG/LPG driven 4 wheeled vehicles	Rs.100 (+Rs. 30 Green tax) Total=Rs. 130/-
For diesel driven vehicles	Rs.110 (+Rs. 40 Green tax) Total=Rs. 150/- :

Provided that the authorized agency may charge a maximum of Rs. 10/- per vehicle for minor adjustment.”

By order,

Sd/-

(R. D. NAZEEM),  
Principal Secretary (Transport).

### परिवहन विभाग

अधिसूचना

शिमला-2, 02 अगस्त, 2023

**संख्या: टी.पी.टी.-ए(3)-3/2015-II-लूज.**—हिमाचल प्रदेश के राज्यपाल का यह समाधान हो गया है कि ऐसा करना समीचीन है कि हिमाचल प्रदेश राज्य के बाहर से सेब और आलू के वहन के प्रयोजन के लिए हिमाचल प्रदेश के राज्य क्षेत्र में प्रवेश करने वाले अन्य राज्यों के ट्रकों को हिमाचल प्रदेश मोटर यान कराधान अधिनियम, 1972 (1973 का अधिनियम संख्यांक 4) की धारा 3-क के अधीन उद्ग्रहणीय विशेष पथकर के संदाय से छूट दी जाए।

अतः हिमाचल प्रदेश के राज्यपाल, पूर्वोक्त अधिनियम की धारा 14 (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, हिमाचल प्रदेश के राज्य क्षेत्र में प्रवेश करने वाले अन्य राज्य के ट्रकों (जो नेशनल परमिट के अन्तर्गत नहीं आते हैं) को उक्त अधिसूचना के राजपत्र (ई-गजट), हिमाचल प्रदेश में प्रकाशन की तारीख से 31-10-2023 तक हिमाचल प्रदेश राज्य के बाहर सेब और आलू के वहन के प्रयोजन के लिए उक्त अधिनियम की धारा 3-क के अधीन उद्ग्रहणीय विशेष पथ कर के संदाय से छूट प्रदान करते हैं।

आदेश द्वारा,

आर0डी0 नजीम,  
प्रधान सचिव (परिवहन)।

*[Authoritative English Text of this department Notification No. TPT-A(3)-3/2015-II-Loose, dated 02-08-2023 as required under Article 348(3) of the Constitution of India].*

### TRANSPORT DEPARTMENT

### NOTIFICATION

*Shimla-02, the 2nd August, 2023*

**No. TPT-A(3)-3/2015-II-Loose.**—Whereas, the Governor, Himachal Pradesh is satisfied that it is expedient in the public interest to exempt the trucks of the other States entering in the

territory of Himachal Pradesh for the purpose of transportation of apples and potatoes to out of the State of Himachal Pradesh from the payment of Special Road Tax leviable under section 3-A of the Himachal Pradesh Motor Vehicles Taxation Act, 1972 (Act No. 4 of 1973).

Now, therefore, in exercise of the powers conferred by section 14(3) of the Act *ibid*, the Governor, Himachal Pradesh is pleased to exempt the trucks of the other States (not covered under National Permit) entering into the territory of Himachal Pradesh from payment of Special Road Tax leviable under section 3-A of the said Act, for the purpose of transportation of apples and potatoes to out of the State of Himachal Pradesh with effect from the date of publication of the said notification in the Rajpatra (e-Gazette), Himachal Pradesh to 31-10-2023.

By order

R. D. NAZEEM,  
*Principal Secretary (Transport)*

**INDUSTRIES DEPARTMENT**  
**A-Section**

**NOTIFICATION**

*Shimla-2, the 02nd August, 2023*

**No. IND-A(B)15-1/2023.**—The Governor, Himachal Pradesh is pleased to order that the following Officers of Geological Wing, Department of Industries shall retire from Government Service on attaining the age of superannuation on the date shown against their name(s):—

Sl. No.	Name of the Officer	Designation	Present Place of Posting	Date of Birth	Date of Retirement
1.	Shri Budhi Ram	Driller, Group-B	Directorate of Industries	15.07.1966	31.07.2024
2.	Shri Ramesh Chand	Driller, Group-B	Directorate of Industries	23.11.1966	30.11.2024

By order,

Sd/-  
(R. D. NAZEEM)  
*Principal Secretary (Industries).*

**INDUSTRIES DEPARTMENT**  
**A-Section**

**NOTIFICATION**

*Shimla-2, the 03rd August, 2023.*

**No. IND-A-B006/3/2021.**—The Governor, Himachal Pradesh is pleased to shift/transfer the post of Sericulture Officer, Group-B from Seri Entrepreneurship Development & Innovation Centre

(SEDIC), Balichowki, District Mandi to Sericulture Division Shimla at Directorate of Industries, Shimla, in public interest, with immediate effect.

The Governor, Himachal Pradesh is further pleased to order transfer/posting of Dr. Arvind Bhardwaj, Sericulture Officer from Seri Entrepreneurship Development & Innovation Centre (SEDIC), Balichowki, District Mandi to Sericulture Division Shimla at Directorate of Industries, Shimla, without TTA/JT, with immediate effect.

The above Officer is directed to report for duty at his new place of posting within 05 days and submit joining report to this Department as well as to the Director of Industries.

By order,

Sd/-

(R. D. NAZEEM), I.A.S.

*Principal Secretary (Industries).*

ब अदालत श्री भूपेन्द्र कश्यप नायब तहसीलदार एवं कार्यकारी दण्डाधिकारी,  
उप-तहसील धरवाला, जिला चम्बा, हिमाचल प्रदेश

श्री निधिया राम पुत्र धर्मू निवासी गांव भताल, डाकघर ब्रेही, उप-तहसील धरवाला, जिला चम्बा, हिमाचल प्रदेश।

बनाम

आम जनता

उनवान मुकद्दमा.—दरखास्त जेर धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969 के अन्तर्गत।

इस कार्यालय में श्री निधिया राम पुत्र धर्मू निवासी गांव भताल, डाकघर ब्रेही, उप-तहसील धरवाला, जिला चम्बा, हिमाचल प्रदेश ने प्रार्थना-पत्र देकर निवेदन किया है कि मेरा जन्म दिनांक 01-03-1965 को घर पर ही हुआ था परन्तु अज्ञानतावश मेरी जन्म तिथि को ग्राम पंचायत ब्रेही के जन्म रजिस्टर में आज तक पंजीकृत नहीं किया गया है इसलिए मेरी जन्म तिथि को दर्ज करने के आदेश ग्राम पंचायत ब्रेही को दिये जावें।

अतः इस इशतहार द्वारा आम जनता को सूचित किया जाता है कि यदि किसी को भी उपरोक्त निधिया राम की जन्म तिथि ग्राम पंचायत ब्रेही में दर्ज करने में किसी भी प्रकार का कोई उजर व एतराज हो तो वह दिनांक 10-08-2023 को असातन या वकालतन हाजिर होकर लिखित व मौखिक प्रस्तुत करें। यदि उक्त तारीख तक कोई उजर व एतराज प्रस्तुत नहीं हुआ तो यह समझा जायेगा कि प्रार्थी की जन्म तिथि ग्राम पंचायत ब्रेही में दर्ज करने हेतु कोई आपत्ति नहीं है तथा जन्म तिथि ग्राम पंचायत ब्रेही में दर्ज करने के आदेश पारित कर दिये जायेंगे।

आज दिनांक 17-07-2023 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

हस्ताक्षरित/—

नायब तहसीलदार एवं कार्यकारी दण्डाधिकारी,  
उप-तहसील धरवाला, जिला चम्बा, हिमाचल प्रदेश।

ब अदालत श्री भूपेन्द्र कश्यप, कार्यकारी दण्डाधिकारी, उप-तहसील धरवाला,  
जिला चम्बा, हिमाचल प्रदेश

श्री राम चन्द्र पुत्र गुरिया राम, गांव मुगला, तहसील व जिला चम्बा, हिमाचल प्रदेश।

बनाम

आम जनता

Subject.—Permission for delayed Birth/Death Registration.

इस कार्यालय में श्री राम चन्द्र पुत्र गुरिया राम, गांव मुगला, तहसील व जिला चम्बा, हिमाचल प्रदेश ने प्रार्थना-पत्र गुजार कर निवेदन किया है कि मेरी माता नामक चूहडी देवी पत्नी गुरिया राम की मृत्यु 26-01-2022 को घर पर ही हुई है परन्तु अज्ञानतावश अपनी माता की मृत्यु तिथि ग्राम पंचायत पियुहरा के मृत्यु रजिस्टर में आज तक पंजीकृत नहीं किया गया है तथा उसकी मृत्यु तिथि को दर्ज करने के आदेश ग्राम पंचायत पियुहरा को दिये जावें।

अतः इस इशतहार द्वारा आम जनता को सूचित किया जाता है कि यदि किसी को भी उपरोक्त चूहडी देवी पत्नी गुरिया राम की मृत्यु तिथि ग्राम पंचायत पियुहरा में दर्ज करने में किसी भी प्रकार का कोई उजर व एतराज हो तो वह दिनांक 10-08-2023 को असालतन या वकालतन हाजिर होकर लिखित व मौखिक प्रस्तुत करें। यदि उक्त तारीख तक कोई उजर व एतराज प्रस्तुत नहीं हुआ तो यह समझा जायेगा कि मृत्यु तिथि ग्राम पंचायत में दर्ज करने हेतु आपत्ति नहीं है तथा मृत्यु तिथि ग्राम पंचायत पियुहरा में दर्ज करने के आदेश पारित कर दिये जायेंगे।

आज दिनांक 17-07-2023 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

हस्ताक्षरित/—  
कार्यकारी दण्डाधिकारी,  
उप-तहसील धरवाला, जिला चम्बा, हिमाचल प्रदेश।

ब अदालत श्री भूपेन्द्र कश्यप, कार्यकारी दण्डाधिकारी, उप-तहसील धरवाला,  
जिला चम्बा, हिमाचल प्रदेश

श्री रोहित पुत्र बिन्दू, गांव थाकी, डा0 सामरा, उप-तहसील धरवाला, जिला चम्बा, हिमाचल प्रदेश

बनाम

आम जनता

Subject.—Permission for delayed Birth/Death Registration.

इस कार्यालय में श्री रोहित पुत्र बिन्दू, गांव थाकी, डा0 सामरा, उप-तहसील धरवाला, जिला चम्बा, हिमाचल प्रदेश ने प्रार्थना-पत्र गुजार कर निवेदन किया है कि मेरे दादा की मृत्यु 27-09-2009 को घर पर ही हुई थी परन्तु अज्ञानतावश अपने दादा की मृत्यु तिथि ग्राम पंचायत गुराड के मृत्यु रजिस्टर में आज तक

पंजीकृत नहीं किया गया है तथा उनकी मृत्यु तिथि को दर्ज करने के आदेश ग्राम पंचायत गुराड को दिये जावें।

अतः इस इशतहार द्वारा आम जनता को सूचित किया जाता है कि यदि किसी को भी उपरोक्त सुखदयाल पुत्र चुहडू की मृत्यु तिथि ग्राम पंचायत गुराड में दर्ज करने में किसी भी प्रकार का कोई उजर व एतराज हो तो वह दिनांक 10-08-2023 को असालतन या वकालतन हाजिर होकर लिखित व मौखिक प्रस्तुत करें। यदि उक्त तारीख तक कोई उजर व एतराज प्रस्तुत नहीं हुआ तो यह समझा जायेगा कि मृत्यु तिथि ग्राम पंचायत में दर्ज करने हेतु आपत्ति नहीं है तथा मृत्यु तिथि ग्राम पंचायत गुराड में दर्ज करने के आदेश पारित कर दिये जायेंगे।

आज दिनांक 17-07-2023 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

हस्ताक्षरित/—  
कार्यकारी दण्डाधिकारी,  
उप-तहसील धरवाला, जिला चम्बा, हिमाचल प्रदेश।

ब अदालत श्री भूपेन्द्र कश्यप, कार्यकारी दण्डाधिकारी, उप-तहसील धरवाला,  
जिला चम्बा, हिमाचल प्रदेश

श्री प्रशोतम पुत्र काकू, गांव धार, डा0 खुन्देल, उप-तहसील धरवाला, जिला चम्बा, हिमाचल प्रदेश  
प्रार्थी।

बनाम

आम जनता

Subject.—Permission for delayed Birth Registration.

इस कार्यालय में श्री प्रशोतम पुत्र काकू, गांव धार, डा0 खुन्देल, उप-तहसील धरवाला, जिला चम्बा, हिमाचल प्रदेश ने प्रार्थना-पत्र गुजार कर निवेदन किया है कि मेरा जन्म 10-04-1998 को घर पर ही हुआ है परन्तु अज्ञानतावश अपना नाम व जन्म तिथि ग्राम पंचायत खुन्देल के जन्म रजिस्टर में आज तक पंजीकृत नहीं किया गया है तथा उसकी जन्म तिथि को दर्ज करने के आदेश ग्राम पंचायत खुन्देल को दिये जावें।

अतः इस इशतहार द्वारा आम जनता को सूचित किया जाता है कि यदि किसी को भी उपरोक्त प्रशोतम पुत्र काकू की जन्म तिथि ग्राम पंचायत खुन्देल में दर्ज करने में किसी भी प्रकार का कोई उजर व एतराज हो तो वह दिनांक 10-08-2023 को असालतन या वकालतन हाजिर होकर लिखित व मौखिक प्रस्तुत करें। यदि उक्त तारीख तक कोई उजर व एतराज प्रस्तुत नहीं हुआ तो यह समझा जायेगा कि जन्म तिथि ग्राम पंचायत में दर्ज करने हेतु आपत्ति नहीं है तथा जन्म तिथि ग्राम पंचायत खुन्देल में दर्ज करने के आदेश पारित कर दिये जायेंगे।

आज दिनांक 17-07-2023 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

हस्ताक्षरित/—  
कार्यकारी दण्डाधिकारी,  
उप-तहसील धरवाला, जिला चम्बा, हिमाचल प्रदेश।

**ब अदालत श्री भूपेन्द्र कश्यप, सहायक समाहर्ता द्वितीय श्रेणी, उप-तहसील धरवाला,  
जिला चम्बा, हिमाचल प्रदेश**

श्री सुरेन्द्र सिंह पुत्र करतार सिंह, गांव भलाला, डा0 दियोला, तहसील चुराह, जिला चम्बा, हिमाचल प्रदेश प्रार्थी।

बनाम

आम जनता

**Subject.—Permission for delayed Birth/Death Registration.**

इस कार्यालय में श्री सुरेन्द्र सिंह पुत्र करतार सिंह, गांव भलाला, डा0 दियोला, तहसील चुराह, जिला चम्बा, हिमाचल प्रदेश ने प्रार्थना-पत्र गुजार कर निवेदन किया है कि मेरे पिता नामक करतार सिंह पुत्र कमीर चन्द की मृत्यु 22-09-2004 को त्रलोचन महादेव नामक स्थान पर ही हुई थी परन्तु अज्ञानतावश अपने पिता की मृत्यु तिथि ग्राम पंचायत राडी के मृत्यु रजिस्टर में आज तक पंजीकृत नहीं किया गया है तथा उसकी मृत्यु तिथि को दर्ज करने के आदेश ग्राम पंचायत राडी को दिये जावें।

अतः इस इशतहार द्वारा आम जनता को सूचित किया जाता है कि यदि किसी को भी उपरोक्त करतार सिंह पुत्र कमीर चन्द की मृत्यु तिथि ग्राम पंचायत राडी में दर्ज करने में किसी भी प्रकार का कोई उजर व एतराज हो तो वह दिनांक 17-08-2023 को असालतन या वकालतन हाजिर होकर लिखित व मौखिक प्रस्तुत करें। यदि उक्त तारीख तक कोई उजर व एतराज प्रस्तुत नहीं हुआ तो यह समझा जायेगा कि मृत्यु तिथि ग्राम पंचायत राडी में दर्ज करने हेतु किसी को कोई आपत्ति नहीं है तथा मृत्यु तिथि ग्राम पंचायत राडी में दर्ज करने के आदेश पारित कर दिये जायेंगे।

आज दिनांक 16-07-2023 को मेरे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

हस्ताक्षरित /—  
सहायक समाहर्ता द्वितीय श्रेणी,  
उप-तहसील धरवाला, जिला चम्बा, हिमाचल प्रदेश।

**ब अदालत सहायक समाहर्ता द्वितीय वर्ग, ककीरा, जिला चम्बा, हिमाचल प्रदेश**

श्रीमती छैला देवी सुपुत्री श्री किरलू निवासी गांव भरेरा, डाकघर त्रिठा, तहसील डलहौजी, जिला चम्बा, हिमाचल प्रदेश प्रार्थिया।

बनाम

आम जनता

प्रत्यार्थीगण।

**विषय.—प्रार्थना-पत्र बराये नाम दुरुस्ती बारे।**

उपरोक्त प्रार्थिया श्रीमती छैला देवी सुपुत्री श्री किरलू निवासी गांव भरेरा, डाकघर त्रिठा, तहसील डलहौजी, जिला चम्बा, हिमाचल प्रदेश ने अधोहस्ताक्षरी की अदालत में प्रार्थना-पत्र मय अन्य कागजात इस आशय से गुजारा है कि उसका सही नाम छैला देवी है, जोकि ग्राम पंचायत जियुन्ता व उसके आधार कार्ड में

सही दर्ज है लेकिन राजस्व विभाग के महाल टिक्करी, पटवार वृत्त तुनुहट्टी में गलती से गुड्डो दर्ज है, जिसकी दुरुस्ती की जावे।

इस सम्बन्ध में सर्वसाधारण जनता को बजरिया इश्तहार सूचित किया जाता है कि प्रार्थिया के नाम दुरुस्ती बारे यदि किसी को कोई उजर/एतराज हो तो वह असालतन या वकालतन अदालत अधोहस्ताक्षरी दिनांक 26-08-2023 को हाजिर आकर अपना एतराज दर्ज करवा सकता है। हाजिर न आने की सूरत में एकतरफा कार्यवाही अमल में लाई जा करके नाम दुरुस्ती के आदेश दे दिये जाएंगे।

आज दिनांक 22-07-2023 को मेरे हस्ताक्षर व अदालत मोहर से जारी हुआ।

मोहर।

हस्ताक्षरित/—  
सहायक समाहर्ता द्वितीय वर्ग,  
ककीरा, जिला चम्बा, हिमाचल प्रदेश।

#### ब अदालत सहायक समाहर्ता द्वितीय वर्ग, ककीरा, जिला चम्बा, हिमाचल प्रदेश

श्री संतोष कुमार आले सुपुत्र श्री पदम बहादुर, निवासी गांव चलामा, डाकघर घटासनी, उप-तहसील ककीरा, जिला चम्बा, हिमाचल प्रदेश प्रार्थी।

बनाम

आम जनता

प्रत्यार्थीगण।

विषय.—प्रार्थना-पत्र बराये नाम दुरुस्ती बारे।

उपरोक्त प्रार्थी श्री संतोष कुमार आले सुपुत्र श्री पदम बहादुर, निवासी गांव चलामा, डाकघर घटासनी, उप-तहसील ककीरा, जिला चम्बा, हिमाचल प्रदेश ने अधोहस्ताक्षरी की अदालत में प्रार्थना-पत्र मय अन्य कागजात इस आशय से गुजारा है कि उसका सही नाम संतोष कुमार आले है, जोकि ग्राम पंचायत चलामा व उसके आधार कार्ड में सही दर्ज है लेकिन राजस्व विभाग के महाल चलामा, पटवार वृत्त चलामा में गलती से संतोष कुमार दर्ज है, जिसकी दुरुस्ती की जावे।

इस सम्बन्ध में सर्वसाधारण जनता को बजरिया इश्तहार सूचित किया जाता है कि प्रार्थी के नाम दुरुस्ती बारे यदि किसी को कोई उजर/एतराज हो तो वह असालतन या वकालतन अदालत अधोहस्ताक्षरी दिनांक 26-08-2023 को हाजिर आकर अपना एतराज दर्ज करवा सकता है। हाजिर न आने की सूरत में एकतरफा कार्यवाही अमल में लाई जा करके नाम दुरुस्ती के आदेश दे दिये जाएंगे।

आज दिनांक 22-07-2023 को मेरे हस्ताक्षर व अदालत मोहर से जारी हुआ।

मोहर।

हस्ताक्षरित/—  
सहायक समाहर्ता द्वितीय वर्ग,  
ककीरा, जिला चम्बा, हिमाचल प्रदेश।

**ब अदालत सहायक समाहर्ता द्वितीय वर्ग, ककीरा, जिला चम्बा, हिमाचल प्रदेश**

श्री महेश कुमार थापा सुपुत्र श्री मान सिंह थापा, निवासी गांव व डाकघर घटासनी, उप-तहसील ककीरा, जिला चम्बा, हिमाचल प्रदेश प्रार्थी।

बनाम

आम जनता

प्रत्यार्थीगण।

विषय.—प्रार्थना-पत्र बराये नाम दुरुस्ती बारे।

उपरोक्त प्रार्थी श्री महेश कुमार थापा सुपुत्र श्री मान सिंह थापा, निवासी गांव व डाकघर घटासनी, उप-तहसील ककीरा, जिला चम्बा, हिमाचल प्रदेश ने अधोहस्ताक्षरी की अदालत में प्रार्थना-पत्र मय अन्य कागजात इस आशय से गुजारा है कि उसका सही नाम महेश कुमार थापा है, जोकि ग्राम पंचायत घटासनी व उसके आधार कार्ड में सही दर्ज है लेकिन राजस्व विभाग के महाल कस्बा घटासनी, पटवार वृत्त घटासनी में गलती से महेश कुमार दर्ज है, जिसकी दुरुस्ती की जावे।

इस सम्बन्ध में सर्वसाधारण जनता को बजरिया इश्तहार सूचित किया जाता है कि प्रार्थी के नाम दुरुस्ती बारे यदि किसी को कोई उजर/एतराज हो तो वह असालतन या वकालतन अदालत अधोहस्ताक्षरी दिनांक 26-08-2023 को हाजिर आकर अपना एतराज दर्ज करवा सकता है। हाजिर न आने की सूरत में एकतरफा कार्यवाही अमल में लाई जा करके नाम दुरुस्ती के आदेश दे दिये जाएंगे।

आज दिनांक 22-07-2023 को मेरे हस्ताक्षर व अदालत मोहर से जारी हुआ।

मोहर।

हस्ताक्षरित/—  
सहायक समाहर्ता द्वितीय वर्ग,  
ककीरा, जिला चम्बा, हिमाचल प्रदेश।

**ब अदालत सहायक समाहर्ता द्वितीय वर्ग, ककीरा, जिला चम्बा, हिमाचल प्रदेश**

श्री सिकन्दर कुमार सुपुत्र श्री फोलो, निवासी गांव कुडेरा, डाकघर घटासनी, उप-तहसील ककीरा, जिला चम्बा, हिमाचल प्रदेश प्रार्थी।

बनाम

आम जनता

प्रत्यार्थीगण।

विषय.—प्रार्थना-पत्र बराये नाम दुरुस्ती बारे।

उपरोक्त प्रार्थी श्री सिकन्दर कुमार सुपुत्र श्री फोलो, निवासी गांव कुडेरा, डाकघर घटासनी, उप-तहसील ककीरा, जिला चम्बा, हिमाचल प्रदेश ने अधोहस्ताक्षरी की अदालत में प्रार्थना-पत्र मय अन्य कागजात इस आशय से गुजारा है कि उसका सही नाम सिकन्दर कुमार है, जोकि ग्राम पंचायत घटासनी व उसके आधार कार्ड व स्कूल प्रमाण-पत्रों में सही दर्ज है लेकिन राजस्व विभाग के महाल काहलन, पटवार वृत्त तारागढ़ में गलती से सकन्दर लाल दर्ज है, जिसकी दुरुस्ती की जावे।

इस सम्बन्ध में सर्वसाधारण जनता को बजरिया इश्तहार सूचित किया जाता है कि प्रार्थी के नाम दुरुस्ती बारे यदि किसी को कोई उजर/एतराज हो तो वह असालतन या वकालतन अदालत अधोहस्ताक्षरी दिनांक 26-08-2023 को हाजिर आकर अपना एतराज दर्ज करवा सकता है। हाजिर न आने की सूरत में एकतरफा कार्यवाही अमल में लाई जा करके नाम दुरुस्ती के आदेश दे दिये जाएंगे।

आज दिनांक 22-07-2023 को मेरे हस्ताक्षर व अदालत मोहर से जारी हुआ।

मोहर।

हस्ताक्षरित /—  
सहायक समाहर्ता द्वितीय वर्ग,  
ककीरा, जिला चम्बा, हिमाचल प्रदेश।

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**ब अदालत कार्यकारी दण्डाधिकारी एवं तहसीलदार, तहसील सदर चम्बा,  
जिला चम्बा, हिमाचल प्रदेश**

मिसल नं० : तहसील /रीडर/ 2023

तारीख पेशी : 23-08-2023

सेहन अली पुत्र गुलाबदीन, निवासी मुहल्ला भहेतु, डा0 साहो, परगना साहो, तहसील व जिला चम्बा, हिमाचल प्रदेश।

बनाम

आम जनता एवं ग्राम पंचायत प्रौथा

प्रतिवादी।

विषय.—जन्म/मृत्यु सम्बन्धित पंजीकरण बारा।

इस अदालत में उप-मण्डलाधिकारी (ना0) चम्बा के कार्यालय पृष्ठांकन संख्या-2749, दिनांक 17-07-2023 के माध्यम से प्राप्त दस्तावेज क्रमशः (1) जिला पंजीकरण (जन्म एवं मृत्यु) मुख्य चिकित्सा अधिकारी चम्बा के कार्यालय पत्र संख्या HFW-B&D/CMO-CBA/2023/9828, दिनांक 21-06-2023, (2) शपथ-पत्र, (3) अप्राप्यता प्रमाण-पत्र, (4) नकल आधार कार्ड जिसमें प्रार्थी सेहन अली पुत्र गुलाबदीन, निवासी मुहल्ला भहेतु, डा0 साहो, परगना साहो, तहसील व जिला चम्बा, हिमाचल प्रदेश में उसकी जन्म तिथि 01-03-1975 किन्हीं कारणों से ग्राम पंचायत प्रौथा, विकास खण्ड मैहला के कार्यालय अभिलेख में दर्ज न हुई है। जो नियमानुसार दर्ज होना अनिवार्य है इसलिए प्रार्थी ने अनुरोध किया है कि उसकी जन्म तिथि को ग्राम पंचायत प्रौथा, विकास खण्ड चम्बा के जन्म रजिस्टर में दर्ज/पंजीकृत किया जाये।

अतः सर्वसाधारण जनता को इस इश्तहार द्वारा सूचित किया जाता है कि प्रार्थी सेहन अली पुत्र गुलाबदीन, निवासी मुहल्ला भहेतु, डा0 साहो, परगना साहो, तहसील व जिला चम्बा, हिमाचल प्रदेश में उसकी जन्म तिथि 01-03-1975 ग्राम पंचायत प्रौथा, विकास खण्ड चम्बा के जन्म/मृत्यु अभिलेख में दर्ज करने बारा अगर किसी को आपत्ति हो तो वह असालतन या वकालतन अपनी आपत्ति इस अदालत में इश्तहार के प्रकाशन के एक माह के भीतर-भीतर सुबह 10.00 से सायं 5.00 बजे तक दर्ज करवा सकता है। निर्धारित अवधि में आपत्ति न आने की सूरत में प्रार्थी की जन्म तिथि 01-03-1975 को दर्ज करने के आदेश सम्बन्धित स्थानीय रजिस्ट्रार, जन्म एवं मृत्यु को पारित कर दिए जाएंगे।

आज दिनांक 19-07-2023 को मेरे हस्ताक्षर व मोहर अदालत सहित जारी हुआ।

मोहर।

हस्ताक्षरित /—  
कार्यकारी दण्डाधिकारी,  
तहसील सदर चम्बा, जिला चम्बा (हि0प्र0)।

**ब अदालत कार्यकारी दण्डाधिकारी एवं तहसीलदार, तहसील सदर चम्बा,  
जिला चम्बा, हिमाचल प्रदेश**

मिसल नं० : तहसील/रीडर/2023

तारीख पेशी : 23-08-2023

राकेश कुमार पुत्र हरी सिंह, निवासी मुहल्ला सराहन, डा0 साहो, परगना साहो, तहसील व जिला चम्बा, हिमाचल प्रदेश।

बनाम

आम जनता एवं ग्राम पंचायत सराहन, विकास खण्ड मैहला

विषय.—जन्म/मृत्यु सम्बन्धित पंजीकरण बारा।

इस अदालत में उप-मण्डलाधिकारी (ना0) चम्बा के कार्यालय पृष्ठांकन संख्या-शून्य, दिनांक 12-07-2023 के माध्यम से प्राप्त दस्तावेज क्रमशः (1) जिला पंजीकरण (जन्म एवं मृत्यु) मुख्य चिकित्सा अधिकारी चम्बा के कार्यालय पत्र संख्या HFW-B&D/CMO-CBA/2023/11009, दिनांक 11-07-2023, (2) शपथ-पत्र, (3) अप्राप्यता प्रमाण-पत्र, (4) नकल आधार कार्ड जिसमें प्रार्थी राकेश कुमार पुत्र हरी सिंह, निवासी मुहल्ला सराहन, डा0 साहो, परगना साहो, तहसील व जिला चम्बा, हिमाचल प्रदेश में उसकी जन्म तिथि 16-09-1982 किन्हीं कारणों से ग्राम पंचायत सराहन, विकास खण्ड मैहला के कार्यालय अभिलेख में दर्ज न हुई है। जो नियमानुसार दर्ज होना अनिवार्य है इसलिए प्रार्थी ने अनुरोध किया है कि उसकी जन्म तिथि को ग्राम पंचायत सराहन, विकास खण्ड चम्बा के जन्म रजिस्टर में दर्ज/पंजीकृत किया जाये।

अतः सर्वसाधारण जनता को इस इशतहार द्वारा सूचित किया जाता है कि प्रार्थी राकेश कुमार पुत्र हरी सिंह, निवासी मुहल्ला सराहन, डा0 साहो, परगना साहो, तहसील व जिला चम्बा, हिमाचल प्रदेश में उसकी जन्म तिथि 16-09-1982 ग्राम पंचायत सराहन, विकास खण्ड मैहला के जन्म/मृत्यु अभिलेख में दर्ज करने बारा अगर किसी को आपत्ति हो तो वह असालतन या वकालतन अपनी आपत्ति इस अदालत में इशतहार के प्रकाशन के एक माह के भीतर-भीतर सुबह 10.00 से सायं 5.00 बजे तक दर्ज करवा सकता है। निर्धारित अवधि में आपत्ति न आने की सूरत में प्रार्थी की जन्म तिथि 16-09-1982 को दर्ज करने के आदेश सम्बन्धित स्थानीय रजिस्ट्रार, जन्म एवं मृत्यु को पारित कर दिए जाएंगे।

आज दिनांक 19-07-2023 को मेरे हस्ताक्षर व मोहर अदालत सहित जारी हुआ।

मोहर।

हस्ताक्षरित/—

कार्यकारी दण्डाधिकारी एवं तहसीलदार,  
तहसील सदर चम्बा, जिला चम्बा (हि0प्र0)।

**ब अदालत कार्यकारी दण्डाधिकारी एवं तहसीलदार, तहसील सदर चम्बा,  
जिला चम्बा, हिमाचल प्रदेश**

मिसल नं० : तहसील/रीडर/2023

तारीख पेशी : 23-08-2023

गगन सिंह पुत्र मैहरो, निवासी मुहल्ला हलेल, डा0 रठियार, परगना कड़ेड, तहसील व जिला चम्बा, हिमाचल प्रदेश।

बनाम

आम जनता एवं ग्राम पंचायत बख्तपुर, विकास खण्ड मैहला

विषय.—जन्म/मृत्यु सम्बन्धित पंजीकरण बारा।

इस अदालत में उप-मण्डलाधिकारी (ना0) चम्बा के कार्यालय पृष्ठांकन संख्या-शून्य-2698, दिनांक 14-07-2023 के माध्यम से प्राप्त दस्तावेज क्रमशः (1) जिला पंजीकरण (जन्म एवं मृत्यु) मुख्य चिकित्सा अधिकारी चम्बा के कार्यालय पत्र संख्या HFW-B&D/CMO-CBA/2023/10749, दिनांक 06-07-2023, (2) शपथ-पत्र, (3) अप्राप्यता प्रमाण-पत्र, (4) नकल आधार कार्ड जिसमें प्रार्थी गगन सिंह पुत्र मैहरो, निवासी मुहल्ला हलेल, डा0 रठियार, परगना कड़ेड, तहसील व जिला चम्बा, हिमाचल प्रदेश में उसकी जन्म तिथि 07-10-1970 किन्हीं कारणों से ग्राम पंचायत बख्तपुर, विकास खण्ड मैहला के कार्यालय अभिलेख में दर्ज न हुई है। जो नियमानुसार दर्ज होना अनिवार्य है इसलिए प्रार्थी ने अनुरोध किया है कि उसकी जन्म तिथि को ग्राम पंचायत बख्तपुर, विकास खण्ड मैहला के जन्म रजिस्टर में दर्ज/पंजीकृत किया जाये।

अतः सर्वसाधारण जनता को इस इशतहार द्वारा सूचित किया जाता है कि प्रार्थी गगन सिंह पुत्र मैहरो, निवासी मुहल्ला हलेल, डा0 रठियार, परगना कड़ेड, तहसील व जिला चम्बा, हिमाचल प्रदेश में उसकी जन्म तिथि 07-10-1970 ग्राम पंचायत बख्तपुर, विकास खण्ड मैहला के जन्म/मृत्यु अभिलेख में दर्ज करने बारा अगर किसी को आपत्ति हो तो वह असालतन या वकालतन अपनी आपत्ति इस अदालत में इशतहार के प्रकाशन के एक माह के भीतर-भीतर सुबह 10.00 से सायं 5.00 बजे तक दर्ज करवा सकता है। निर्धारित अवधि में आपत्ति न आने की सूरत में प्रार्थी की जन्म तिथि 07-10-1970 को दर्ज करने के आदेश सम्बन्धित स्थानीय रजिस्ट्रार, जन्म एवं मृत्यु को पारित कर दिए जाएंगे।

आज दिनांक 19-07-2023 को मेरे हस्ताक्षर व मोहर अदालत सहित जारी हुआ।

मोहर।

हस्ताक्षरित/—  
कार्यकारी दण्डाधिकारी,  
तहसील सदर चम्बा, जिला चम्बा (हि0प्र0)।

### In the Court of Sub-Divisional Magistrate, Chamba, District Chamba (H. P.)

Harinder s/o Sh. Rasila Ram, resident of Village Kuthar, P.O. Sahoo, Tehsil & District Chamba (H. P.) aged 26 years

and

Reeta d/o Sh. Devo, resident of Village Chilli, P.O. Thalli, Tehsil Churah, District Chamba (H. P.) aged 24 years . . Applicants.

*Versus*

General Public

*Subject.—Registration of Marriage under Section 8(4) of the H.P. Registration of Marriages Act, 1996 (Act No. 21 of 1997).*

Whereas, the above named applicants have made an application before me under section 8(4) of H.P. Registration of Marriages Act, 1996 alongwith relevant records and affidavits stating therein that they have solemnized their marriage on 10-07-2021 at their place of residence with prevailing rites and customs but due to some un-avoidable circumstances it could not be entered in the records of Gram Panchayat sahoo, Development Block Chamba, Distt. Chamba, H.P. well in time.

And whereas, they have also stated that they were not aware of the laws for the registration of marriage with the registrar of marriage and now, therefore, necessary orders for the registration of their marriage be passed, so that their marriage could be registered by the concerned authority.

Now, therefore, objections are invited from the general public that if, anyone has any objection regarding the registration of marriage of above named applicants, they should appear before the undersigned in my court on or before 05-09-2023 at 2.00 P.M. either personally or through their authorised agent/pleader.

In the event of their failure to do so, orders shall be passed *ex-parte* for the registration of marriage without affording any further opportunity of being heard.

Issued under my hand and seal of the Court on this 25th day of July, 2023.

Seal.

Sd/-  
Sub-Divisional Magistrate,  
Chamba, District Chamba (H.P.).

**In the Court of Raman Kumar Sharma (HAS), Special Marriage Officer-cum-Sub-Divisional Magistrate, Manali, District Kullu (H.P.)**

In the matter of :

Sh. Abhishek Thakur aged 41 years s/o Sh. R. S. Thakur, r/o 1st Floor Behind Hotel Devlok, Opposite Roots School Bajogi, P.O. Manali, Tehsil Manali, District Kullu (H.P.)

and

Kiran Shahi d/o Sh. Naveen Shahi, r/o Village & P.O. Vashsiht, Tehsil Manali, District Kullu (H.P.) at present w/o Mr. Abhishek Thakur s/o Sh. R. S. Thakur, r/o 1st Floor Behind Hotel Devlok, Opposite Roots School Bajogi, P.O. Manali, Tehsil Manali, District Kullu (H.P.)

*Versus*

General Public

*An application for the registration of marriage under Special Marriage Act, 1954.*

Has presented an application on 07-07-2023 in this court for the registration of marriage under Special Marriage Act, 1954. Hence this proclamation is hereby issued for the information of General Public that if any person have any objection for the registration of the above marriage can appear in this court on 15-08-2023 to object registration of above marriage personally or through an authorized agent failing which this marriage will be registered under this Act, 1954 accordingly.

Given under my hand and seal of the court on 17th day of July, 2023.

Seal.

Sd/-  
Special Marriage Officer-cum-  
Sub-Divisional Magistrate,  
Manali, District Kullu (H.P.).

**ब अदालत सहायक समाहर्ता द्वितीय श्रेणी, उप तहसील नित्थर, जिला कुल्लू (हि0प्र0)**

मिसल नं0 : 23/2023

दिनांक : 28-06-2023

पेशी दिनांक : 19-08-2023

मुकद्दमा : इन्द्राज सेहत नाम

मंगत राम पुत्र दतू, गांव शेउगी, फाटी पलेही, उप-तहसील नित्थर, जिला कुल्लू (हि0प्र0) प्रार्थी।

बनाम

आम जनता

फरीकदोयम।

प्रार्थना पत्र.—U/S 35 ता 37 हिमाचल प्रदेश भू-राजस्व अधिनियम, 1954 के अन्तर्गत बाबत नाम दुरुस्ती बारे।

मंगत राम पुत्र दतू, गांव शेउगी, फाटी पलेही, उप-तहसील नित्थर, जिला कुल्लू (हि0प्र0) ने शपथ पत्र सहित आवेदन किया है कि राजस्व अभिलेख फाटी पलेही, उप-तहसील नित्थर में प्रार्थी का नाम पीखडू दर्ज हो चुका है, जोकि गलत दर्ज हुआ है। प्रार्थी ने बरुये शपथ-पत्र ब्यान किया है कि उसका वास्तविक नाम मंगत राम है, जिस बारे पंचायत रिकार्ड, आधार कार्ड, पैन कार्ड प्रस्तुत किया है जिसमें प्रार्थी का नाम मंगत राम दर्ज है। अब प्रार्थी ने प्रार्थना-पत्र से निवेदन किया है कि राजस्व अभिलेख फाटी पलेही में पीखडू के स्थान पर मंगत राम उर्फ पीखडू दुरुस्त करने के आदेश चाहे हैं।

अतः इशतहार के माध्यम से सर्वसाधारण को सूचित किया जाता है कि यदि किसी हितबद्ध व्यक्ति को राजस्व अभिलेख फाटी पलेही में पीखडू के स्थान पर मंगत राम उर्फ पीखडू करने बारा कोई उजर/एतराज हो तो वह असालतन/वकालतन तारीख पेशी 19-08-2023 को प्रातः 10 बजे इस अदालत में हाजिर होकर अपना उजर/एतराज पेश कर सकते हैं। बसूरत गैरहाजिरी एकतरफा कार्यवाही अमल में लाई जा करके नाम दुरुस्ती दर्ज करने के आदेश पारित कर दिए जाएंगे।

यह इशतहार आज दिनांक 19-07-2023 को मेरे हस्ताक्षर व मोहर सहित अदालत से जारी हुआ।

मोहर।

हस्ताक्षरित/—  
सहायक समाहर्ता द्वितीय श्रेणी,  
उप-तहसील नित्थर, जिला कुल्लू (हि0प्र0)।

ब अदालत कार्यकारी दण्डाधिकारी एवं नायब तहसीलदार, नित्थर, उप-तहसील नित्थर,  
जिला कुल्लू (हि0प्र0)

मिसल नं0 : 1/2023

दिनांक मरजुआ : 19-05-2023

पेशी दिनांक : 26-08-2023

मुकद्दमा : इन्द्राज सेहत नाम

किसनू राम पुत्र सैंफी राम, गांव डरोआ, फाटी घाटू, उप-तहसील नित्थर, जिला कुल्लू (हि0प्र0)  
प्रार्थी।

बनाम

प्रार्थना पत्र.—जन्म व मृत्यु पंजीकरण जेर धारा 13(3) पंजीकरण अधिनियम, 1969.

किसनू राम पुत्र सैफ़ी राम, गांव डरोआ, डा0 फाटी, उप-तहसील नित्थर, जिला कुल्लू ने एक आवेदन-पत्र जिला रजिस्ट्रार जन्म व मृत्यु एवं मुख्य चिकित्सा अधिकारी कुल्लू, जिला कुल्लू के कार्यालय से पत्र संख्या HFW-ST (B&D) Delayed Birth and Death-KLU-2020-6046-47 दिनांक 10-05-2023 जो कार्यकारी दण्डाधिकारी उप-तहसील नित्थर को सम्बोधित है। इस कार्यालय में प्रस्तुत किया है तथा प्रार्थी ने शपथ-पत्र में यह उल्लेख किया है कि उसकी पुत्री किरण जिसका जन्म दिनांक 02-12-2008 को गांव डरोआ, ग्राम पंचायत घाटू, उप-तहसील नित्थर में हुआ है, प्रार्थी की बेटी का नाम अज्ञानता के कारण ग्राम पंचायत घाटू में दर्ज नहीं किया गया है। शपथ-पत्र, परिवार नकल, रिपोर्ट प्रधान, ग्राम पंचायत घाटू व फार्म नं0 10 संलग्न है। अब प्रार्थी ने अपनी बेटी का नाम ग्राम पंचायत घाटू में दर्ज करने के आदेश चाहे हैं।

अतः इश्तहार के माध्यम से सर्वसाधारण को सूचित किया जाता है कि यदि किसी भी हितबद्ध व्यक्ति को ग्राम पंचायत घाटू के पंजीकरण रजिस्टर में किरण पुत्री किसनू राम का नाम दर्ज करने बारा कोई उजर/एतराज हो तो वह असालतन/वकालतन तारीख पेशी 26-08-2023 को प्रातः 10 बजे इस अदालत में हाजिर होकर अपना उजर/एतराज पेश कर सकते हैं। बसूरत गैर-हाजिरी एकतरफा कार्यवाही अमल में लाई जा करके नाम दर्ज करने के आदेश पारित कर दिए जाएंगे।

यह इश्तहार आज दिनांक 26-07-2023 को मेरे हस्ताक्षर व मोहर सहित अदालत से जारी हुआ।

मोहर।

हस्ताक्षरित/—  
कार्यकारी दण्डाधिकारी एवं नायब तहसीलदार,  
उप-तहसील नित्थर, जिला कुल्लू (हि0प्र0)।

**In the Court of Marriage Officer-cum-Sub-Divisional Magistrate, Sadar,  
District Mandi (H. P.)**

In the matter of :

1. Sh. Vipul Kapoor s/o Sh. Piyush Bhanu Kapoor, r/o H. No. 137/2, Inder Niwas Purani Mandi, P.O. Mandi, Tehsil Sadar, District Mandi (H.P.).

2. Smt. Taniya Gupta d/o Late Dharam Pal Gupta, V. P.O. & Tehsil Baldwara, District Mandi (H.P.)  
.. Applicants.

*Versus*

General Public

Subject.—Application for the registration of marriage under section 15 of Special Marriage Act, 1954.

Sh. Vipul Kapoor s/o Sh. Piyush Bhanu Kapoor, r/o H. No. 137/2, Inder Niwas Purani Mandi, P.O. Mandi, Tehsil Sadar, District Mandi (H.P.) and Smt. Taniya Gupta d/o Late Dharam

Pal Gupta, V. P.O. & Tehsil Baldwara, District Mandi (H.P.) at present wife of Sh. Vipul Kapoor s/o Sh. Piyush Bhanu Kapoor, r/o H. No. 137/2, Inder Niwas Purani Mandi, P.O. Mandi, Tehsil Sadar, District Mandi (H.P.) have filed an application alongwith affidavits in the court of undersigned under section 15 of Special Marriage Act, 1954 that they have solemnized their marriage on 04-08-2022 according to Hindu rites and customs at their respective houses Mandi, District Mandi (H.P.) and they are living together as husband and wife since then. Hence, their marriage may be registered under Special Marriage Act, 1954.

Therefore, the general public is hereby informed through this notice that any person who has any objection regarding this marriage, can file the objection personally or in writing before this court on or before 21-08-2023 after that no objection will be entertained and marriage will be registered.

Issued today on 22nd day of July, 2023 under my hand and seal of the court.

Seal.

Sd/-

*Marriage Officer-cum-Sub-Divisional Magistrate,  
Sadar, District Mandi (H.P.).*

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### CHANGE OF NAME

I, Shivam Thakur s/o Sh. Ajay Kumar, r/o Village Kot Masandan, P.O. Bhareri, Tehsil Bhoranj, Distt. Hamirpur (H.P.) declare that my name was wrongly entered as Shivam instead of Shivam Thakur in various records. Now *vide* Civil Suit No. 35 of 2022 decided in the Court of Senior Civil Judge Hamirpur (H.P.) . I may be known as Shivam Thakur in future.

SHIVAM THAKUR

*s/o Sh. Ajay Kumar,  
r/o Village Kot Masandan, P.O. Bhareri,  
Tehsil Bhoranj, Distt. Hamirpur (H.P.).*

